

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. KERN. I ask the Senator to withdraw that motion. I had in view another motion of a little different character.

Mr. JONES. I will withdraw the motion.

Mr. KERN. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 5, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

FRIDAY, September 4, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, be with us in the present crisis, occasioned by the war which is shaking the centers of all Europe, that "with malice toward none and charity for all" we may hold ourselves aloof from everything that would tend to bring us into the awful conflict. Divest us, we beseech Thee, of avarice and arouse the patriotism of our people that they may encourage home industries by using home products. Holding ourselves ever ready to counsel peace among the belligerents, we thank Thee that our Red Cross association is going forth to alleviate the suffering and sorrowing in the war zone; protect them in their good offices and bring out of the war in Thine own way a betterment of conditions and a lasting peace for all the world, and eons of praise we will ever give to Thee in the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BELL of Georgia, on account of sickness.

To Mr. STOUT, for two weeks, on account of illness in his family.

To Mr. GUDGER, for three days, on account of sickness in his family.

### ANTITRUST LEGISLATION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. WEBB, Mr. CARLIN, Mr. FLOYD of Arkansas, Mr. VOLSTEAD, and Mr. NELSON.

### REMARKS OF THE PRESIDENT.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting the remarks made by the President on the 3d day of October of last year, when he signed the tariff bill, and on December 23 of last year, when he signed the currency bill.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks unanimous consent to extend his remarks in the Record by printing the remarks made by the President of the United States when he signed the tariff bill and the currency bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will the gentleman yield for a question?

Mr. HARRISON. Certainly.

Mr. MANN. Have not these remarks been already inserted in the Record?

Mr. HARRISON. They have not. I was under the impression that they had been.

Mr. MANN. I am still under the impression that they have been; but they are not very long, and I shall not object.

Mr. HARRISON. I am informed by the gentleman from Michigan [Mr. DOREMUS], the chairman of the Democratic congressional committee, that they have not been.

Mr. MANN. He did not find them, I suppose; he was not here, probably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

### ROLL CALLS.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for eight minutes on a fair presentation of the question of roll calls.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to proceed for not to exceed eight minutes on the subject of roll calls. Is there objection?

Mr. MANN. Does the gentleman desire to make an apology?

Mr. BARNHART. No.

Mr. MANN. The gentleman differs from most of the Members of his side of the House, for they have offered apologies.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Indiana is recognized for eight minutes.

Mr. BARNHART. Mr. Speaker, habitual neglect of duty by any public official whom the people have intrusted with their business is a crime in fact if not in law. [Applause.] This is just as true of Members of Congress as of any other public officials. But does occasional absenteeism from the House during long sessions of Congress like we have had continuously for several years necessarily constitute neglect of duty? Is the worth of a Member of Congress to be estimated by the number of times he answers roll calls, whether they be important votes or political horseplay? I think not. A Member of Congress has other duties to perform beside sitting in the House listening to long-winded speeches and political jockeying. [Applause.] If he is a working Member, he is on some important committee that has frequent meetings to give hearings on proposed legislation or to investigate alleged abuses of the public. And if his committee is in important session and some Member in the House makes a point of order that there is not a quorum present—218 Members—there is a roll call. The busy Member hears that the call is merely for a quorum and goes right on with his work, and the Record shows him absent. The Member with little or nothing to do answers the roll call, and thus the Record credits him with "present." The Member actually at more important work than answering "present" is thereby condemned by the Record for absenteeism, while the one with little to do but sit in the House is glorified by the Record showing him answering all roll calls. Therefore I submit that always answering "present" is not the royal diadem of useful statesmanship. [Applause.]

A live Congressman has an enormous amount of correspondence to read and answer in his office and a thousand and one trips to departments in behalf of the needs of his district. In this way he serves his constituents who can write him. But those who are not ready letter writers and who seldom if ever see and talk with their Congressman get no personal consideration from the man who represents them.

It may be that sitting in the benches of this House year in and year out and answering every roll call is a safe criterion by which to estimate efficient representation of a congressional district, but if that be true then anyone who can say "present" and who has the physical disposition to keep a seat warm five or six hours every day would be just as useful as the most effective and alert legislator that ever came to Congress.

Mr. Speaker, I never had such a clear conception of duty to my people as when I had time occasionally to circulate among them and hear from their own lips their ideas of the needs of public welfare. I never served the people I represent as intelligently and as fully as when I used to go home occasionally and, after advertising my coming, "keep open house" in all of the principal towns and cities of my district and thereby enable the people of all classes to confer with me. The old soldier who felt that his service to his country was not being properly appreciated, the poor mother whose son had boyishly run away and become tied up in the Navy to her distress, the farmer who had claims for better rural mail service and needs for Agricultural Department help, the business man who had suggestions of better Government service, the preacher and teacher and laborer who felt entitled to consideration of their wants by their Government, all came to see me, as did hundreds and hundreds of others. And they were profited by the information I could give them, and I was thereby given a larger conception of public needs and official duty.

It is figured out that the expense of running Congress is \$12 per minute, and we see Members daily burning up money in speech making or ordering nonsensical roll calls. We hear others uproariously applaud proposed punishment of absentees, whose actual records of attention to duty are not half as faithful as those whom they publicly censure. And we see others continu-

ally talk, talk, talk for self-aggrandizement until Members are driven into God's outdoors as a matter of health and soul protection. [Applause.] They seem to count that page of the CONGRESSIONAL RECORD lost which does not contain their names.

Far be it from my purpose to apologize for habitual absenteeism from this House, for it is inexcusable and reprehensible [applause], but I tell you, Mr. Speaker, that if we did less grandstanding here and gave more attention to what is really needed and to doing business we would be vastly better off and so would our country.

Answering every roll call is a commendable record for a Congressman, but faithfully caring for the wants and needs of the people he represents is vastly better. He should not be judged by the number of hours he sits in the House listening to routine schedule and campaign vaporings, but rather let it be said of him, "He was always present at important lawmaking and voted right, and he heard and heeded and served the meritorious wants of his people." Do not measure me as a Representative by what I pretend, but by what I do; not by parade of promises, but by actual and earnest performances; and not by the limelight roll calls I answer, but by what I accomplish for my people and my country. [Applause.]

Mr. Speaker. I have now talked eight minutes, \$96 worth of time. [Applause.]

EMELINE E. PHELPS.

Mr. RUSSELL. Mr. Speaker. I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of joint resolution 334, to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, and to consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from the further consideration of House joint resolution 334, and consider the same at this time.

The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 334.

Whereas by clerical error in H. R. 13542, approved July 21, 1914, the military service of George M. Phelps was changed from Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, to Company D, Third Regiment Massachusetts Volunteer Heavy Artillery: Therefore be it

Resolved, etc., That the paragraph in H. R. 13542, approved July 21, 1914 (Private, No. 88, 63d Cong.), granting an increase of pension to one Emeline E. Phelps be corrected and amended so as to read as follows:

"The name of Emeline E. Phelps, widow of George M. Phelps, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

JOINT SESSION OF SENATE AND HOUSE.

At 12 o'clock and 27 minutes p. m. the Doorkeeper announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Chair announces as the committee on the part of the House to wait upon the President Mr. UNDERWOOD, of Alabama; Mr. FITZGERALD, of New York; and Mr. MANN, of Illinois.

The VICE PRESIDENT announced as the committee on the part of the Senate Senators KERN of Indiana, CLARKE of Arkansas, and GALLINGER of New Hampshire.

At 12 o'clock and 32 minutes p. m. the President of the United States, attended by members of his Cabinet and escorted by the joint committee of Senators and Representatives, entered the Hall of the House, standing at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-third Congress, I present to you the President of the United States.

THE PRESIDENT'S ADDRESS—EMERGENCY WAR TAX (H. DOC. NO. 1157).

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, I come to you to-day to discharge a duty which I wish with all my heart I might have been spared; but it is a very clear duty, and therefore I perform it without hesi-

tation or apology. I come to ask very earnestly that additional revenue be provided for the Government.

During the month of August there was, as compared with the corresponding month of last year, a falling off of \$10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due, in chief part, not to the reductions recently made in the customs duties but to the great decrease in importations, and that is due to the extraordinary extent of the industrial area affected by the present war in Europe. Conditions have arisen which no man foresaw; they affect the whole world of commerce and economic production, and they must be faced and dealt with.

It would be very unwise to postpone dealing with them. Delay in such a matter and in the particular circumstances in which we now find ourselves as a Nation might involve consequences of the most embarrassing and deplorable sort, for which I, for one, would not care to be responsible. It would be very dangerous in the present circumstances to create a moment's doubt as to the strength and sufficiency of the Treasury of the United States, its ability to assist, to steady, and sustain the financial operations of the country's business. If the Treasury is known, or even thought, to be weak, where will be our peace of mind? The whole industrial activity of the country would be chilled and demoralized. Just now the peculiarly difficult financial problems of the moment are being successfully dealt with, with great self-possession and good sense and very sound judgment; but they are only in process of being worked out. If the process of solution is to be completed, no one must be given reason to doubt the solidity and adequacy of the Treasury of the Government which stands behind the whole method by which our difficulties are being met and handled.

The Treasury itself could get along for a considerable period, no doubt, without immediate resort to new sources of taxation. But at what cost to the business of the community? Approximately \$75,000,000, a large part of the present Treasury balance, is now on deposit with national banks distributed throughout the country. It is deposited, of course, on call. I need not point out to you what the probable consequences of inconvenience and distress and confusion would be if the diminishing income of the Treasury should make it necessary rapidly to withdraw these deposits; and yet, without additional revenue, that plainly might become necessary, and the time when it became necessary could not be controlled or determined by the convenience of the business of the country. It would have to be determined by the operations and necessities of the Treasury itself. Such risks are not necessary and ought not to be run. We can not too scrupulously or carefully safeguard a financial situation which is at best, while war continues in Europe, difficult and abnormal. Hesitation and delay are the worst forms of bad policy under such conditions.

And we ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people. To sell bonds would be to make a most untimely and unjustifiable demand on the money market; untimely, because this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills; unjustifiable, because unnecessary. The country is able to pay any just and reasonable taxes without distress. And to every other form of borrowing, whether for long periods or for short, there is the same objection. These are not the circumstances, this is at this particular moment and in this particular exigency not the market, to borrow large sums of money. What we are seeking is to ease and assist every financial transaction, not to add a single additional embarrassment to the situation. The people of this country are both intelligent and profoundly patriotic. They are ready to meet the present conditions in the right way and to support the Government with generous self-denial. They know and understand, and will be intolerant only of those who dodge responsibility or are not frank with them.

The occasion is not of our own making. We had no part in making it. But it is here. It affects us as directly and palpably almost as if we were participants in the circumstances which gave rise to it. We must accept the inevitable with calm judgment and unruffled spirits, like men accustomed to deal with the unexpected, habituated to take care of themselves, masters of their own affairs and their own fortunes. We shall pay the bill, though we did not deliberately incur it.

In order to meet every demand upon the Treasury without delay or peradventure and in order to keep the Treasury strong, unquestionably strong, and strong throughout the present anxieties, I respectfully urge that an additional revenue of \$100,000,000 be raised through internal taxes devised in your wisdom.



to meet the emergency. The only suggestion I take the liberty of making is that such sources of revenue be chosen as will begin to yield at once and yield with a certain and constant flow.

I can not close without expressing the confidence with which I approach a Congress, with regard to this or any other matter, which has shown so untiring a devotion to public duty, which has responded to the needs of the Nation throughout a long season despite inevitable fatigue and personal sacrifice, and so large a proportion of whose Members have devoted their whole time and energy to the business of the country. [Prolonged applause.]

At 12 o'clock and 42 minutes p. m. the President and his Cabinet retired from the Hall of the House.

At 12 o'clock and 43 minutes p. m. the Vice President and Members of the Senate returned to their Chamber.

The SPEAKER. The Doorkeeper will close the doors. The address of the President is ordered printed and referred to the Committee on Ways and Means.

#### ORDER OF BUSINESS.

Mr. POUL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is that the House now resolve itself—

Mr. MANN. No; I think not. The regular order, if the Speaker will permit, is the disposition of two bills reported from the Committee of the Whole House on Friday with the recommendation that they do pass. One of these bills is put down on the calendar under the head of unfinished business, H. R. 8696, a bill for the relief of Nathaniel F. Cheairs. The other bill is not on the calendar as unfinished business. I do not recall who makes up the calendar, but it is done under the Clerk of the House; and under the head of unfinished business on the calendar, which has in it five items, there is one item omitted and two of the items named in the calendar are incorrect. I suggest it would be advisable for whoever makes up the calendar to see that it is made up correctly.

Mr. POUL. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. POUL. My information from the chairman of the Committee on War Claims is that there was no recommendation made in at least one case, the Cheairs case.

Mr. MANN. Well, I am sure the gentleman is mistaken about that. I do not think that item is incorrect; I think that is correctly stated, and it was pending in the House August 21, 1914. I think the Committee of the Whole House recommended that bill, and then we adjourned.

Mr. POUL. With the gentleman's permission, I will make this statement: It was my purpose, if I can have the attention of the gentleman from Illinois for just a moment, in the event that the House decided to resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, to ask unanimous consent that the calendar be taken up in its regular order, by unanimous consent, and after going through the calendar by unanimous consent, if there are any contested matters the House wishes to consider it could be done, and that request is in the interest of every Member of the House, and I hope the gentleman will not throw any obstacle in the way of the completion of the Private Calendar. I realize perfectly well that as a practical proposition the only bills which can get through by unanimous consent will probably be acted upon. I will say to the gentleman that I now make that request.

Mr. MANN. I shall not vote for the two bills that are reported, but it seems to me that the House having spent a day in the Committee of the Whole House and reported out this bill that it should be finally disposed of in the interest of orderly procedure.

Mr. POUL. Well, Mr. Speaker, I will ask unanimous consent that the House proceed to the consideration of bills on the Private Calendar by unanimous consent in the House as in the Committee of the Whole House.

The SPEAKER. The Chair would like to make a statement about it. Of course there may be an error, but the gentleman had the right to make the motion, and the Chair has been trying to find out whether any of these bills have been reported, and if so the first thing to do is to get rid of them.

Mr. MANN. Two bills were reported.

Mr. POUL. Even if that is true, could not the House by unanimous consent—

The SPEAKER. Oh, the House can do anything on top of the ground by unanimous consent.

Mr. McKELLAR. Mr. Speaker, reserving the right to object, will the gentleman yield? Where will we start; at the beginning?

Mr. POUL. Yes; that was the request I made.

The SPEAKER. Does the gentleman make that request to the exclusion of finishing the bill, if there is one?

Mr. POUL. Mr. Speaker, I ask unanimous consent that the House proceed now to consider bills on the Private Calendar in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the House now proceed to consider bills on the Private Calendar by unanimous consent in the House as in the Committee of the Whole House. Is there objection?

Mr. PADGETT. Mr. Speaker, reserving the right to object, I notice the bill referred to as unfinished business, a bill introduced by me for the relief of Nathaniel F. Cheairs—I was absent that day, but I understand it was reported, and is before the House. Now, I want that disposed of it that is correct.

Mr. GREGG. It was not reported.

Mr. FOSTER. Mr. Speaker, I will say for the benefit of the gentleman from Tennessee that the RECORD of August 21 shows that the bill (H. R. 8696) to which the gentleman from Tennessee refers was reported by the Chairman of the Committee of the Whole House, that that committee had come to no resolution thereon, so it was not finished.

Mr. MANN. That report is incorrect. The chairman reported it with favorable recommendation.

Mr. FOSTER. I am just reading what the RECORD says.

Mr. MANN. The RECORD is very frequently mistaken.

Mr. FOSTER. The RECORD shows what I have said, and the gentleman from Texas says it was not reported.

Mr. GREGG. It was not reported.

Mr. PADGETT. What does the Journal show?

Mr. GREGG. We adjourned right at the end of the roll call and never reported it.

The SPEAKER. Here is the RECORD:

Mr. GREGG. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and particularly the bill (H. R. 8696) for the relief of Nathaniel F. Cheairs, and had come to no resolution thereon.

And then occurred the following:

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill H. R. 8696, and that the debate be limited to two minutes.

Mr. MANN. Those are two separate motions. I make the point of order, Mr. Speaker, that a Member can not do that in one motion. I make the point of order that that motion as one motion is not in order. The SPEAKER. The Chair thinks that the gentleman from Illinois is correct.

Mr. MANN. There is no doubt about that.

The SPEAKER. The gentleman from Texas [Mr. GREGG] moves in the first instance that the House resolve itself into Committee of the Whole House for the further consideration of the bill H. R. 8696, and, pending that, he moves that general debate be limited to two minutes.

Mr. MANN. I move to amend the last motion by making it two hours.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to amend the last motion by making it two hours. The question is on agreeing to the motion to amend.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded. Those in favor of the motion of the gentleman from Illinois will rise and stand until they are counted. [After counting.] Eighteen gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have risen in the negative.

Then there was a roll call on the motion to amend, and the amendment was lost.

Mr. MANN. Mr. Speaker, it is very plain that I was mistaken. I was misled by the calendar.

The SPEAKER. The calendar ought to be corrected. The gentleman from North Carolina [Mr. POU] asks unanimous consent that bills on the Private Calendar shall be considered by unanimous consent in the House as in the Committee of the Whole.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from North Carolina whether it is his purpose to call up or have considered only such bills on the Private Calendar as are not objected to?

Mr. POUL. The purpose of the request, I will say to the gentleman from New York, is to go over the calendar first by unanimous consent, beginning at the beginning.

Mr. GOLDFOGLE. That means the unobjected-to bills?

Mr. POUL. Yes. My information is there are quite a number of bills to which there probably will be no objection. After finishing the calendar by unanimous consent, we will go back to the beginning and then take up the bills that are contested.

Mr. GOLDFOGLE. The difficulty, however, is this: We have gone through the performance three or four times—

Mr. POU. Only once.

Mr. GOLDFOGLE. Oh, no; several times, to my recollection, of considering the unobjected-to bills, and then it depended upon either the judgment or the caprice or the whim of some one Member of the House as to whether a bill should be considered or not. When a bill was objected to, of course, that was the end of it. There was always the promise somewhere made that after the bills unobjected to should be finished up then we would consider such bills as would not be objected to. In other words, the unobjected-to bills could then be considered as other bills are considered in the House, namely, after discussion a vote could be had thereon. Now, we have never been able up to the present time to have a single, solitary bill upon the Private Calendar, especially a claims bill, considered where there was a single objection made to the bill, however meritorious that bill may be.

Now, I ask the gentleman from North Carolina whether, in view of that situation—and I think I have stated the situation fairly and accurately—he thinks we ought to go through the same performance, only to find that a few bills will be passed through means of not being objected to by anyone, and then go away again without giving opportunity to the Members to have their unobjected-to bills considered upon their merits?

Mr. POU. I will say to the gentleman from New York that the Private Calendar has been called only once by unanimous consent. The error that the gentleman falls into is this: There have been two days on which the calendar has been considered, or probably two days and part of a third.

Mr. GOLDFOGLE. Were there not two night sessions at which the same performance was gone through?

Mr. POU. We begin at the beginning, and the following day we would begin at the point where we left off; so that the calendar has been called just once.

Mr. GOLDFOGLE. May I suggest to the gentleman from North Carolina at this point that on the second occasion when the Private Calendar was taken up for the consideration of unobjected-to bills we went back, and the same bills were taken up again and objection was again made by some individual Members and the bills passed over. Such proceeding works gross injustice to honest claimants whose claims are worthy and meritorious but who are unfortunate to be met with a single objection.

Mr. POU. That probably is true as to a small part of the calendar; but the result of dealing with the calendar in the way indicated, by unanimous consent, has been that something like 120 bills have been passed—quite a large number. Now, the gentleman knows that if we begin at the beginning of the calendar and take up these bills in the usual way we may pass one, possibly two; but in the way I suggest there will probably be quite a number of bills that will be passed by the House.

Mr. GARNER. Will the gentleman yield?

Mr. POU. I will.

Mr. GARNER. I happened not to be in the Chamber when the gentleman made his first statement. It is proposed to begin at the beginning of the calendar at this time and call them up by unanimous consent?

Mr. POU. That is the request I made. I think the request will bring about action on the greatest number of bills. Of course, I have no personal interest in the matter at all. I am trying to reduce the calendar as best we can, and it seems to me that is the best way to do so.

Mr. GOLDFOGLE. I did not understand the answer made by the gentleman from North Carolina [Mr. POU] to the gentleman from Texas [Mr. GARNER] when the gentleman from Texas interrupted him. Do I understand that it is the purpose now to take up by unanimous consent the consideration of the bills on the Private Calendar, including all the bills that were heretofore objected to?

Mr. POU. It is the purpose to begin at the beginning. That is the request I made—to start at the beginning.

The SPEAKER. Is there objection?

Mr. ALLEN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Ohio [Mr. ALLEN] objects; and the gentleman from North Carolina [Mr. POU]—

FLORINE A. ALBRIGHT.

Mr. MANN. Mr. Speaker, I ask for the regular order. There is a bill on the calendar which was reported favorably from the Committee on War Claims, namely, the Albright bill, although we lost sight of it on the calendar.

The SPEAKER. The Clerk will report the bill, whatever it is, that was reported from the committee favorably. Will the gen-

tleman from Illinois inform the clerks and the Speaker and everybody else just what bill it is?

Mr. MANN. It is the Albright bill—H. R. 6880—No. 47 on the Private Calendar. It is still on the Private Calendar, where it does not belong. It ought to be on the Calendar for Unfinished Business.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of \$14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, this is a bill which was discussed at considerable length in the Committee of the Whole. I fear that most of the Members may have forgotten the circumstances of the bill. I do not desire to detain the House except for a moment, to recall to the Members of the House what the controversy was in regard to the bill.

The Court of Claims found that the claimant's decedent was not loyal to the Government of the United States throughout the Civil War, and it was proposed by the committee practically to set aside those findings and to pay the claim, notwithstanding the fact that the claimant was not loyal, thus opening up a line of claims which involve many millions, if not hundreds of millions, of dollars.

Of course, if the majority side of the House want to say that they propose to pay claims of persons who were disloyal during the Civil War, then they have that power.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the balance of his time. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. GREGG. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Texas [Mr. GREGG] demands a division. Those in favor of the passage of the bill will rise and stand until they are counted. [After counting.] Twenty-nine gentlemen have arisen in the affirmative. Those opposed will rise. [After counting.] Forty-seven gentlemen have arisen in the negative. On this vote the yeas are 29 and the noes are 47.

Mr. GREGG. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands tellers. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Twenty-seven gentlemen have arisen—not enough.

Mr. POU. Mr. Speaker—

The SPEAKER. Tellers are refused, and the bill is lost.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was defeated was laid on the table.

#### PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POU] moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair appoints the gentleman from Kentucky [Mr. JOHNSON] as Chairman.

Thereupon the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the purpose of considering bills on the Private Calendar.

Mr. POU. Mr. Chairman, under the rule, as I construe it, the committee will proceed with the consideration of bills reported from the Committee on Claims, will it not? I make that as a parliamentary inquiry.

Mr. ALLEN. Mr. Chairman—

Mr. MANN. Mr. Chairman, this is one of the days set aside either for claims or war claims, alternating, and the last day devoted to the Private Calendar was used in the consideration



of war-claims bills, so that this is purely for the consideration of bills reported from the Committee on Claims.

The CHAIRMAN. The gentleman from North Carolina moved that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

Mr. MANN. That is under the rule. The rule provides for that.

Mr. POU. Under the rule claims bills have the preference.

The CHAIRMAN. Yes; under the rule claims bills have the preference.

Mr. ALLEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN. Under the rules, when will other bills on the Private Calendar probably be considered?

The CHAIRMAN. The Chair would not like to answer the question. Perhaps the present occupant of the chair will not be in the chair then.

Mr. ALLEN. I would like to make inquiry as to when the Private Calendar would be reached under the rule.

The CHAIRMAN. The Chair has no more information upon that subject than the gentleman from Ohio has.

Mr. POU. Mr. Chairman, I ask unanimous consent that the committee proceed with the call of bills reported from the Committee on Claims first by unanimous consent.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### THE SNARE & TRIEST CO.

The first business in order on the Private Calendar was the bill (S. 1269) for the relief of the Snare & Triest Co.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the claim of the Snare & Triest Co. for reimbursement for all losses to them, including damages to pier growing out of a collision by the U. S. S. *Colorado* on the night of February 9, 1905, at League Island Navy Yard, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided,* That the petition is filed within six months from the date of this act.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, a few years ago we passed a private bill for the relief of the Snare & Triest Co., that bill being undoubtedly drawn by their own attorney. I think we passed it without amendment and gave them the relief that they asked for. Then they discovered that it did not cover all the claims which they had. Does my friend from North Carolina think it is desirable to permit the practice, where somebody has claims against the Government, all growing out of one transaction, of presenting a bill for the payment of a part of those claims, and then, having secured that, present another bill for the payment of the other part of the claims, and then having secured that perhaps present another bill for the payment of still further parts of the claims?

Mr. POU. I will say to the gentleman that that is, of course, an unusual procedure, and the committee would not have favored this bill but for the fact that these people claim that by a pure oversight or technical error the word "pier" was left out. If the Government is liable for the injury of these people's property, and by a pure oversight one word was left out of the bill, it seems to me that this bill ought to pass.

Mr. MANN. Of course the Government is not liable, to begin with.

Mr. POU. I mean morally. I do not mean legally.

Mr. MANN. But assuming that it is liable, if this company had employed an attorney to bring this suit in court, and he had filed his declaration, or such other paper as may be provided in the different States, and had secured a judgment upon that, they could not have gone back and amended the pleadings after the judgment was secured and the money paid. But that is what they seek to do when they come to Congress. Then everybody says that Congress is a slow paymaster. They would never have dreamed of making a second claim if they had had a suit in court.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POU. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

#### EDWARD WILLIAM BAILEY.

The next business in order on the Private Calendar was the bill (H. R. 5832) for the relief of Edward William Bailey.

The Clerk read the title of the bill.

Mr. POU. Mr. Chairman, the Senate has passed this bill, and I ask unanimous consent that the Senate bill be considered in place of the House bill.

The CHAIRMAN. If there be no objection, the Clerk will report the Senate bill.

Mr. MANN. Let us know more about it. I have no objection to the Senate bill being read, to see if there be objection.

Mr. POU. That is all I ask.

The CHAIRMAN. The Chair does not hold that the right to object has been waived. By unanimous consent, the Clerk will report the Senate bill instead of reporting the House bill, and the right to object to the consideration of it remains to any Member.

The Clerk read the bill (S. 1270) for the relief of Edward William Bailey, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the United States Treasury not otherwise appropriated, to pay to Edward William Bailey, of Portsmouth, Va., the sum of \$1,500 for injuries resulting from the total loss of one eye and the serious impairment of the other eye, caused by a wound received by him at the hands of a target party of United States sailors and marines, while engaged at target practice at St. Helena, near Norfolk, Va., on or about November 7, A. D. 1890.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, this injury occurred in 1890. I objected to the bill before because it goes back so far. But it is claimed, and I believe correctly, that the claimant had a bill introduced in Congress shortly after the injury; and while it was not then the practice of Congress to pay for any of these injuries, I do not believe I shall object now, although I do not know what will become of us if we start in to pay for all the injuries which have happened at any time to persons injured through governmental agencies, it being now the policy to pay for such injuries, and five or six years ago not being the policy to pay. Here we date back 24 years. Next we may go back 54 years. It is an easy matter to say we will pay money out of the Treasury, but I apprehend that within the next month it will not be so easy a matter to determine just how we have got to pay money into the Treasury before it can be paid out; and gentlemen passing upon these claims must remember that every dollar appropriated for these bills will have to be raised by levying additional taxes upon the people of the country over and above the taxes which are now levied. In order to pay these claims you have got to put your hands into the pockets of somebody in the country and take the money away from them.

Mr. POU. Mr. Chairman, what the gentleman from Illinois [Mr. MANN] says is very true; but I want to say that the Committee on Claims has been very careful in reporting these matters; and while the House has passed at this session an unusually large number of bills, the sum total of all those bills is surprisingly small. I have not the exact figures. I am having them prepared, but the entire sum of money carried by all of these more than 100 bills which we have passed will not, I predict, very much exceed the sum of \$225,000.

Mr. MANN. But \$225,000 does not grow on every tree, or in everybody's pocket. I would like to say that I think the Committee on Claims have done very careful work in this Congress, and I compliment the gentleman from North Carolina [Mr. POU], the chairman of that committee, and the other members of that committee. And yet we all know that if a Member of Congress has a private bill and is active enough about it, and keeps at it, keeps interviewing the members of the committee, in time he finally gets his bill reported, it makes very little difference what the merits of it are. Of course it takes a great deal more energy sometimes to get a bad bill reported than it does to get a good bill reported.

Mr. PAYNE. I do not know about that.

Mr. MANN. I do not class this as a bad bill. I would like to ask the gentleman, of the \$1,500 which it is proposed to pay to this man, how much of it will go for an attorney's fee?

Mr. POU. I am assured by the gentleman from Virginia [Mr. HOLLAND] that so far as he knows none of this money will go for an attorney's fee.

Mr. MANN. Oh, the gentleman from Virginia will certainly not give that assurance, because the claimant in this case has frequently referred to the fact that he has an attorney in the city of Washington looking after his claim. I have had communications, both from the claimant and from his attorney.

Mr. HOLLAND. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HOLLAND. Of course I would not undertake to give that assurance, but I have no objection to an amendment—

Mr. MANN. I have no amendment. I have no doubt the claimant has an arrangement with the attorney. I thought perhaps we ought to know what it was.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

By unanimous consent, the corresponding House bill (H. R. 5332) was ordered to be laid aside to be reported to the House with the recommendation that it lie on the table.

EMILY SCOTT LAND.

The next business on the Private Calendar was the bill (H. R. 1366) for the relief of Emily Scott Land.

The Clerk read the bill at length.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

MARIAN B. PATTERSON.

The next business in order on the Private Calendar was the bill (H. R. 296) for the relief of Marian B. Patterson.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Marian B. Patterson, of Shelby County, Tenn., the sum of \$20,963, in full compensation for claims on account of the losses or reductions in salary and allowances for rent and clerk hire sustained by her late husband, Brig. Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, during which time he was United States consul general at Calcutta, India, through the method of settlement adopted by the United States Government in connection with the fluctuation in the value of the Indian rupee.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, if unanimous consent is given for the consideration of this bill, I suppose there will be no objection to my discussing it for about an hour. I think if I can have that time there will be nothing left of the bill, but perhaps I am mistaken.

Mr. FOSTER. Does the gentleman think it will take an hour?

Mr. MANN. I have a large number of documents, including one adverse report made by the gentleman from Missouri [Mr. SHACKLEFORD], and several adverse reports made by the Treasury Department, which I think ought to be fully presented to the House on a proposition to pay \$20,000 to the claimant based on the idea that the payments were in silver and only worth 49 cents on the dollar.

Mr. CULLOP. Mr. Chairman, as I think the gentleman from Illinois has produced ample proof as to why the bill should not be passed, and relying on his statements, I shall object.

The CHAIRMAN. Objection is made by the gentleman from Indiana.

W. W. BLOOD.

The next business in order on the Private Calendar was the bill (H. R. 1515) for the relief of W. W. Blood.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to W. W. Blood, of Greenville, Plumas County, Cal., the sum of \$439.09, in full payment for all work and labor done and performed by him for the Government of the United States or its official representatives at the Indian school near Greenville, Indian Valley, Plumas County, Cal., during the year 1907.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, when I read the report on the bill I had difficulty in finding any reason why if this contractor, Mr. Blood, had a meritorious claim for work performed for the Interior Department he was not paid at the time. There are letters here which state that his work was performed and that it was satisfactory. I can find no reference anywhere to any excuse given for his not having been paid by the Bureau of Indian Affairs.

Mr. POUL. This claim is for extra work. The department did not have the authority to pay it. I am informed by the gentleman from California [Mr. RAKER], who has read the report more carefully than I have, that it shows it was for extra work, and for that reason the department did not have authority to pay him.

Mr. STAFFORD. There is nothing in the report that shows it was for extra work.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CULLOP. Who authorized the claimant to do the extra work?

Mr. STAFFORD. There is nothing to show that it is extra work.

Mr. CULLOP. If he volunteered to do the work without any authority whatever, he ought not to come to Congress and ask to be paid for it.

Mr. STAFFORD. That is the idea I had. If it was extra work performed without authorization he ought not to receive compensation.

Mr. RAKER. Mr. Chairman, I want to call the gentleman's attention to the facts, speaking from the report. It will be noted that the contract was completed and that there was a surplus of money out of that authorized for the construction of this building near Greenville, known as the Greenville Indian School. The surplus money was returned to the Treasury. The gentleman will note that on the first part of the bill—\$109.09 that was actually furnished—the work was performed and the bill was moved, which had nothing to do with the contract, at the request of those interested. They will also note that on the second section, page 3 of the report, the contract was completed.

Mr. STAFFORD. Why did he not receive the pay for it, if the contract was completed?

Mr. RAKER. They raised the dam because the superintendent wanted it, and they put in an extra pipe to connect with it, and the report shows that that was necessary. Now, I have been at this place many times, and I know the work and I know the superintendent. I am personally familiar with this man's claim. He has performed the labor and furnished the material, and the department says that it is an equitable claim and ought to be allowed. This bill passed twice in the Sixty-second Congress.

Mr. STAFFORD. Passed twice in the same Congress?

Mr. RAKER. Yes; it went through in an omnibus bill, and when it got into the Senate all claims of that character were taken off because it was attached to an omnibus bill containing war claims. Then it came back to the House and was passed the second time, but that session of Congress expired before it finally got through. Now there is a new Secretary of the Interior and a new Commissioner of Indian Affairs, and they have again investigated it and indorsed it.

Mr. STAFFORD. And yet the gentleman has stated no reason for this man not having received payment from the Bureau of Indian Affairs.

Mr. RAKER. I have stated it here, and it is plain in the report.

Mr. STAFFORD. It is not plain in the report why it was not paid.

Mr. RAKER. Of course I realize that the gentleman can object.

Mr. STAFFORD. I am not objecting; I am awaiting information.

Mr. RAKER. Let me make a statement.

Mr. STAFFORD. The gentleman has been talking five minutes, and he has not explained it yet.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Reserving the right to object, unless the chairman or some gentleman can explain why this man was not paid in the usual course I shall object.

Mr. RAKER. Let me say that on page 5 of the report, or commencing on page 4 and continuing on page 5, is this letter:

DEPARTMENT OF THE INTERIOR,  
Washington, July 31, 1913.

Hon. EDWARD POUL,  
House of Representatives.

My DEAR MR. POUL: I am in receipt of a letter, dated May 9, 1913, from Hon. JOHN E. RAKER, inclosing a copy of H. R. 1515, being a bill for the relief of W. W. Blood, with the request that a report be made thereon to the Committee on Claims of the House of Representatives.

This claim is for work done and material furnished at the Greenville Indian School, Cal., in the year 1907, under an informal agreement between the claimant and the superintendent of the school, concerning which a controversy arose between them.

A supervisor in the Indian Service, after investigation, reported November 30, 1909, that the claimant actually furnished material and performed work to the value of \$439.09, the sum proposed to be paid by this bill. A copy of this report is inclosed for your information. (See Rept. 1309, supra.)

January 28, 1910, the Indian Office wrote Mr. Blood as follows:

"The office has received a report from Harwood Hall, supervisor of Indian schools, relative to your claims of \$330 and \$109.09 for materials and labor furnished the Greenville school, California, during the fiscal year 1907.

"You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz., 'Indian school buildings, 1907,' has been returned to the Treasury, this office is not in a position to approve your claims. Therefore the only recourse you have in the matter is by congressional action."

Reporting upon a similar bill, H. R. 12502, this department recommended August 9, 1911, that it receive favorable consideration. (Copy inclosed.)

It appears that Mr. Blood has an equitable claim for work and material furnished, which can not be paid without authority from Congress, because the unexpended balance of the appropriation which might have been used has been covered into the Treasury under the provisions of section 3690, Revised Statutes.

Very truly, yours,

A. A. JONES, Acting Secretary.

Mr. STAFFORD. In all fairness to the gentleman I wish to say to him that I have read that part, and yet there is nothing in the portion which the gentleman has read which gives the



reason why this claimant was not paid before the money was turned back into the Treasury.

Mr. RAKER. His work was not done, just as in the Fort Bidwell school. Forty thousand dollars was appropriated, and they used only \$10,000, but have made a contract for the balance, and they could not go on, they could not move the lumber, they could not cover the trenches, and there was \$12,000 that had been converted into the Treasury fund, and we had to come back to Congress to get the balance of the money to complete the work. The same condition exists here.

Mr. STAFFORD. Mr. Chairman, if I am not mistaken, money appropriated for any certain work is available for two years after the completion of the contract.

Mr. RAKER. Not in these Indian contracts. It never has been. After a certain length of time it goes into the Treasury, after the fiscal year.

Mr. STAFFORD. I was under the impression that money when appropriated for any specific work remained available until two years after the completion of the work.

Mr. MANN. Not necessarily; but in this case somebody is a dunce—I do not know who it is—either a dunce, or he has not made a correct statement of facts. The Assistant Secretary of the Interior stated in his letter, which is in the report:

It appears that Mr. Blood has an equitable claim for work and material furnished, which can not be paid without authority from Congress, because the unexpended balance of the appropriation which might have been used has been covered into the Treasury under the provisions of section 3690, Revised Statutes.

If that is the reason that the man can not be paid, it is a silly reason. Any audited claim of the Government will be paid, notwithstanding there is no appropriation with which to pay it, or notwithstanding the appropriation has lapsed, because every year in the deficiency bill we appropriate for a great many items for years back—not infrequently as many as 10 years back—and where the claim is audited we appropriate for it in the deficiency bill, because the money originally appropriated has been covered into the Treasury. If this man had a real claim against the Government, which the department could allow, they should have allowed the claim, and the claim would have been audited by the auditor and transmitted to Congress as a deficiency appropriation, and the appropriation, as a matter of course, would have been made without contest or question.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CULLOP. Would it not have been the duty of the department to report that as one of the claims to be paid in the deficiency appropriation bill if it was a legal and valid claim?

Mr. MANN. The Treasury Department would report that, and would undoubtedly report it, if they had a legal claim which was audited. If a man has a legal claim against the Government, the fact that there is no appropriation with which to pay it does not affect the auditing of the claim.

Mr. RAKER. But suppose even this is not done just according to the legal way—

Mr. MANN. Oh, the claimant is probably not to be blamed for that. I am not disposed to criticize the claimant, but I doubt whether the statement of the Acting Secretary, Mr. A. A. Jones, is correct.

Mr. RAKER. Mr. Chairman, I appeared at the Department of the Interior, in the Indian Office, and they advised me this is a just claim as reported here, and this is the report they made upon it, and I thought it was sufficient.

Mr. MANN. The gentleman has been in the House for some time, and is an active Member of the House. He knows that when somebody presents a claim to Congress the presumption is that he has not a legal claim against the Government, and that it is rather a long-winded process to put a claim through Congress. Why should a department ask to have a claim passed by a private bill which they can O. K. through an auditor and have it allowed and paid as a matter of course?

Mr. RAKER. I took it for granted the claim was just and equitable, knowing the parties as I do, and seeing all of the departments I could see, and taking every precaution possible, and knowing the man ought to have his money. I felt that I had done everything that could be done.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MOORE. Is this a balance on a contract?

Mr. RAKER. No; it is for extra work done.

Mr. MOORE. In excess of the contract?

Mr. RAKER. In excess of the contract.

Mr. MOORE. And the money was refunded to the Treasury of the United States?

Mr. RAKER. Yes; and there was nothing with which to pay it.

Mr. MOORE. And the claimant alleges that the money is due him for extra work in excess of the contract, the money having been provided, but having been refunded to the Treasury?

Mr. RAKER. Yes; and there is an affidavit of the man and others familiar with the facts.

Mr. MOORE. And the department states that if there is equity here, and it feels there is an equity, then the only recourse is for the claimant to come to Congress?

Mr. RAKER. That is the statement.

Mr. MOORE. It seems to me that is what has not been brought out.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Mr. Chairman, I object.

MOSES M. BANE.

The next business in order on the Private Calendar was the bill (H. R. 7553) for the relief of the estate of Moses M. Bane. The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to the estate of Moses M. Bane, deceased, who was receiver of public moneys for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 and for the first quarter of the years 1878 and 1879, the sum of \$1,080, out of any money in the Treasury not otherwise appropriated, the said sum for office rent having been advanced by the officer out of his private means.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask something about this. I have objected to this bill before upon this calendar and in previous Congresses. It is a claim of a former receiver of public moneys under a former régime, when the Democratic Party had control of the House and cut down appropriations so that they could not give the receiver rent money. We passed a bill the other day very similar to this in which it appeared that in a number of these cases the Court of Claims, where the claim had been filed in the Court of Claims, had held that the receiver or the registrar, although not allowed money for the rent by the Interior Department, the Land Office was still entitled to bring a claim against the Government for the rent paid. That is my recollection of it. Does the gentleman recollect about that matter?

Mr. POUL. I will say to the gentleman that I do not recollect. This report was made by the gentleman from Illinois. I know nothing about it except what appears in the report here.

Mr. CULLOP. Will the gentleman permit? The gentleman from Illinois has been quite sick for more than a week, and he is barely able now to be out and is not able to attend the sessions of the House.

Mr. MANN. That is the gentleman from Illinois [Mr. FOWLER], who introduced the bill. My colleague from Illinois [Mr. HILL] made the report. They may not have been informed in reference to that matter.

Mr. CULLOP. I wanted to say that as justification for Mr. FOWLER's absence.

Mr. MANN. I understand. My recollection is that we paid a claim the other day or very recently—

Mr. POUL. We paid a similar claim in the case of Waldo M. Potter.

Mr. MANN. From the report in that case, it says that the Court of Claims have decided that in similar cases brought before the Court of Claims that the receiver or registrar could recover judgment against the Government for a reasonable rent paid. Now, of course, if that is the case, I have no desire to stand in the way of doing the same thing in this case. We did that a few days ago, though I suppose that 20 years from now or more, when they have a future Democratic Congress—it will probably be that long before they have one—

Mr. FOSTER. Oh, no.

Mr. MANN (continuing). They will be reporting in claims where this Congress had refused to make the appropriation and the Democratic officeholders had gone ahead and expended the money and then made a claim against the Government. That is this case.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL HENSON.

The next business in order on the Private Calendar was the bill (S. 1171) for the relief of Samuel Henson.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel Henson, out of any money in the Treasury not otherwise appropriated, the sum of

\$1,000, as compensation for injuries received while employed under the Superintendent of the United States Capitol on the 19th day of September, 1911.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman to give the circumstances under which the liability was created in this case. I would like to know something more about the bill.

Mr. POUL. Mr. Chairman, this man, according to my information, sustained a very severe injury to his foot in one of the Senate elevators. The Senate committee investigated the matter and made a report, which was adopted by the House committee. They found that this injury occurred without negligence on the part of this claimant.

Mr. CULLOP. What did this claimant have to do with the elevator?

Mr. POUL. The claimant is in the employ of the Government, and my information is that he was using it in the regular discharge of his duties.

Mr. CULLOP. Operating it or riding in it as a passenger?

Mr. POUL. I do not think he was operating it; he was not an elevator operator himself.

Mr. CULLOP. What line of work was he engaged in for the Government?

Mr. POUL. He is a plasterer; that is my information.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. CULLOP. Providing we can have this open to amendment; but so far as anything I have seen or heard here, there is nothing given as to why an appropriation should be made of \$1,000 for this injury. Whether his injuries were serious or not—

Mr. STAFFORD. Maybe I can inform the gentleman—

Mr. MANN. My friend from Indiana knows this man lost part of his heel; that the skin was taken off his heel.

Mr. STAFFORD. I may be able to give the gentleman the information he seeks.

Mr. MANN. Whether it was \$1,000 worth is another proposition. I do not know if it was or not.

Mr. STAFFORD. I will say to the gentleman from Indiana, as shown by the report, he was employed and had been employed for years by Mr. Elliott Woods in connection with repair work about the Capitol at a salary of \$4 a day. He was in a Senate elevator when his attention was taken away momentarily—

Mr. POUL. Here is part of the physician's certificate—

Mr. STAFFORD (continuing). His attention was taken away momentarily by a collaborer and he slipped and his heel just caught between the elevator and the pavement and it tore off his whole heel. He put in a claim with the Secretary of Commerce under the general law, and the Secretary of Commerce held that he did not bring himself within that law, but the committee recommended that he should have the same benefit that he would had he come under that law.

Mr. POUL. The physician reports that his heel was torn off completely and he is unable to walk without crutches at the present date.

Mr. CULLOP. I shall urge no objection; I see the injury was serious, and I have obtained the information I desired.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, how long was this man kept from the performance of his duties?

Mr. CULLOP. The report of the physician, if the gentleman from Illinois will permit, says that he is unable to walk yet without crutches.

Mr. MANN. Well, he was able to work and draw his pay all the time, so far as that is concerned, and was kept away from his work from September 19 to December 7, 1911.

Mr. STAFFORD. He was confined in the hospital for something like six weeks.

Mr. POUL. He was confined to his bed, so the report states, for seven weeks, and he is yet unable to walk without crutches. If the gentleman will yield, my information is that this man has been going to the hospital twice a week up to the present time.

Mr. MANN. For what?

Mr. POUL. For the treatment of this injury. That is the information that the committee has.

Mr. MANN. I will not say how often he goes to the hospital. He may go every day, for all I know, but he does not need to do so. He was absent from work from September 19 for a little over two months. Nobody would think of paying him a thousand dollars for that much time. He was a Senate employee.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

There was no objection.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAGE of North Carolina having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The message also announced that the President had approved and signed bill of the following title:

September 2, 1914:

S. 6357. An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department.

ELLIS P. GARTON, ADMINISTRATOR.

The committee resumed its session.

The next business in order on the Private Calendar was the bill (H. R. 9092) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed. Full jurisdiction and power is hereby given to the Court of Claims to rehear and retry said claim upon all evidence that has been or may be presented upon a hearing in said case.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. MANN. Mr. Chairman, reserving the right to object, there are a whole lot of those Indian depredation cases. A year or so ago we had a contest here in the House over the matter of passing a general bill to practically revive all these Indian depredation cases, which would involve the payment of several million dollars. The House after debate and consideration defeated that bill. Recently, I believe, the Committee on Indian Affairs reported substantially the same bill, although I am not sure whether it has been reported or not. In the Senate, I believe, they have passed a bill authorizing these claims to be tried in the Court of Claims, where they were defeated before for want of citizenship. Under the law the claimant must prove that he was an American citizen; and a foreigner who went into the Indian country and sustained loss could make no claim. Well, there were a number of cases where people supposed that they were American citizens, some where they had been naturalized by courts which did not have the jurisdiction to naturalize them, and other reasons. Now, just what is going to be done with that bill I do not know. It involves several hundred thousand dollars. I am not sure how far we ought to go in the payment of these private claims, where they have been thrown out of court.

Mr. CULLOP. Mr. Chairman, this is a proposition to submit a case to the Court of Claims with power to hear not only the facts but to render such a judgment as the facts may warrant in the case, either for the claimant or the Government.

Now, I would like to ask the gentleman from Illinois [Mr. MANN] this question: Does he not think that it would be better if Congress would pass a law referring all claims to some court to be tried and determined instead of coming to Congress and having them passed in this way, where, as here, only one side of the case is heard? If a resort was made to the court both sides would be heard, and the Government would look up the proof in behalf of the Government and the individual would look up the proof in his own behalf, and thereby you could reach the merits of the claim. But it certainly must be patent to everyone that is disposing of claims in this way we are not always reaching the merits of the claim and having them determined according to the merits. Now, does not the gentleman from Illinois think it would be wise to have some law passed in which all claimants would have to resort to some court in order to have the claim determined before an appropriation should be made for it? Would not such a way be fair and just to all parties concerned?

Mr. MANN. We have a law.

Mr. CULLOP. We have not a law under which they could go and sue the United States.

Mr. MANN. We have a law which covers this case. Now, of course, it would be desirable, if it were possible, to appoint somebody—a commission or otherwise—that may hear all claims against the Government. I think we will do that some time. But the trouble about it up to date is that when we pass a law and they take claims before a court or other body that can act upon it and they do not have the claim allowed, then they will still come to Congress, and Congress has not the power to say that a future Congress shall not entertain a claim against the Government.



Mr. GARNER. Will the gentleman yield?

Mr. MANN. I yield.

Mr. GARNER. As to the gentleman's remarks a few moments ago in regard to the status of legislation that was defeated in the last Congress, in which an effort was made to revive certain rights of Indian depredation claimants, I recall very distinctly that bill; and I think the bill reported by the Indian Affairs Committee and now on the calendar is virtually the same bill that was defeated in the House by the gentleman from Illinois and other gentlemen, while I took the opposite view. There is a bill now pending before the Committee on Indian Affairs in which the amity is stricken out and the right of limitation and nonjoinder of defendant, and purely the question of citizenship is determined; that is to say, whether a man living in Texas or Colorado or in some other western State, believing in good faith that he was an American citizen, and who lost his property under conditions where he could otherwise have recovered, but was not permitted to do so by reason of the fact that he was not an American citizen, can recover. I want to ask the gentleman from Illinois, who opposed the other bill, if he does not believe that that bill ought to become a law?

Mr. MANN. Well, I do not think any of the bills ought to become law, so far as that is concerned; but I will say frankly I am opposed to all those claims. I think the claims which involve the question of citizenship have a much stronger case than those which do not involve the question of citizenship. And I can readily see that in many cases where people supposed they were American citizens and had reason to suppose they were American citizens, and went into the Indian country, it works an injustice. I would be perfectly willing, so far as I am concerned, to compromise the matter and pass the bill restoring the claims to the Court of Claims, where they were thrown out on the ground of citizenship, if the rest is to be abandoned.

Mr. GARNER. Will the gentleman yield.

Mr. MANN. I will.

Mr. GARNER. I can not only speak for myself as one Member of the House, but I believe I can, in addition to that, speak for the present Texas delegation. The matter has been fully discussed among us, and we are perfectly willing to compromise by legislation that will permit the very thing that the gentleman has just stated. I must say, frankly, speaking for myself, that I did believe that the nonjoinder of the Indians was a demand made by the Government that it was almost impossible for the claimants to comply with. The gentleman from Illinois will realize how difficult it is to correctly know the tribe of Indians which took a certain property, when the owner was fleeing from the Indians himself and trying to get away from them instead of ascertaining just who they were. I do hope Congress will have an opportunity to consider this particular bill, and so far as I can pledge myself and those who are interested with me, from Texas and other points, I will agree that the other matters may go over.

Mr. BURKE of South Dakota. Is the gentleman certain that the bill now pending in the Committee on Indian Affairs is limited to the question of citizenship alone?

Mr. GARNER. I am.

Mr. MANN. I know that statement was made to me by Senator Smoot, who, I believe, is the author of the bill.

Mr. GARNER. There is not any doubt about it, and I have taken it upon myself to go over the matter thoroughly with those interested. I thought it better to take this legislation than to undertake to have something that my friend from Illinois and others did not believe to be just claims.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MANN. After the fight we had in the House before—

Mr. GARNER. After you licked us, I was willing to do my part.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. This has been objected to twice before, I believe. This is on the Union Calendar. It is for the very purpose that has been suggested here, with one or two exceptions. We are perfectly willing to take what we can get in this bill, as suggested by my colleague, Mr. GARNER. All claimants under Indian depredations will have the right, provided they were inhabitants, to have their claims reestablished and tried before the court. That is all we are asking for.

Mr. MANN. I can only speak for myself. I am perfectly willing to compromise on that character of legislation and pass a bill of that kind if we understand that the rest of it is not to be pressed.

Mr. BURKE of South Dakota. Does not the gentleman from Illinois think that if that bill does pass it will make it very much more difficult to ever secure any further legislation?

Mr. MANN. I am not so sure about that. My observation is that whenever you pass any bill that means a payment of \$25,000 or \$50,000 or \$75,000 to the claims attorneys in Washington it whets their appetite tremendously.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is, Shall the bill be laid aside with a favorable recommendation?

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

LIEUT. COL. ORMOND M. LISSAK.

The next business in order on the Private Calendar was the bill (H. R. 1133) for the relief of Lieut. Col. Ormond M. Lissak.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, I reserve the right to object.

Mr. FOSTER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] objects. The Clerk will report the next bill.

#### BELIEF OF CERTAIN FIRE INSURANCE COMPANIES.

The next business in order on the Private Calendar was the bill (H. R. 4480) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the year 1899 and 1900.

The bill was read, as follows:

*Be it enacted, etc.* That the sum of \$82,975 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the Trans-Atlantic Fire Insurance Co., \$9,500; Prussian National Fire Insurance Co., \$2,850; North German Fire Insurance Co., \$8,000; Hamburg-Bremen Fire Insurance Co., \$10,450; Royal Insurance Co., \$25,100; Liverpool & London & Globe Insurance Co., \$6,900; New Zealand Insurance Co., \$6,025; Fireman's Fund Insurance Co., \$9,250; National Fire Insurance Co., of Hartford, Conn., \$4,150; and Caledonian Insurance Co., of Edinburgh, Scotland, \$750, the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, I am rather surprised that this claim is still pending. Two years ago I received a personal letter from the President of the United States, written, properly enough, upon the presentations which were made to him, in which he said, "If the facts are as stated by —, it would seem wise and proper to act before reference to The Hague tribunal."

It was represented to the then President that if Congress did not act speedily and pay these small amounts in full settlement to these various insurance companies it would be a great loss to the Government, because it was then difficult to restrain these claimants from making an appeal to The Hague tribunal. Yet time has gone on, and they seem to have abandoned making a claim in The Hague tribunal except in talk, possibly, and the claim is still pending before Congress.

In a letter which was presented to the President of the United States, and which he inclosed to me, a very distinguished gentleman, in behalf of these claimants, stated: "The ambassadors of these countries"—referring to these countries from which these claimants come—"have made representations to the State Department on the subject, and the claimants are demanding and it is the intention to have the matter pressed for reference to The Hague unless some speedy action is taken in the premises. It occurs to me it would be humiliating to this Government to have a matter of this kind referred to The Hague," and so forth.

I do not see why these people have so restrained themselves. It is a marvelous example of self-restraint that these foreign insurance companies have refrained, for fear of humiliating The United States, from presenting these claims to The Hague tribunal for more than two years after they had said they could not hold in much longer. I think possibly they could hold in two years more. Therefore I object.

The CHAIRMAN. Objection is made by the gentleman from Illinois [Mr. MANN], and the Clerk will report the next bill.

SAMUEL M. FITCH.

The next business in order on the Private Calendar was the bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treas-

ury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Samuel M. Fitch, collector of internal revenue for the first district of Illinois, on the books of the Treasury Department with the sum of \$1,500, the same being for certain cigar stamps lost or stolen in transit from the office of the Commissioner of Internal Revenue at Washington, D. C., to the office of the collector of internal revenue for the first district of Illinois, located at Chicago, on or about March 20, 1912, by unknown persons.

The CHAIRMAN. Is there objection?

Mr. ALLEN. Reserving the right to object, Mr. Chairman, I notice the gentleman from Illinois [Mr. MANN], the author of the bill, is present. Will he make some explanation for the reasons for this allowance?

Mr. MANN. I will state the facts. Fifteen hundred dollars' worth of internal-revenue stamps were claimed to be, and undoubtedly were, transmitted from Washington to the collector of internal revenue at Chicago, with other stamps. When the package was opened \$1,500 worth of the stamps were not there. Nobody has ever discovered what became of them. The Treasury Department made an investigation and reported that the collector of internal revenue was not at fault and ought not to be held responsible for the loss of the stamps. Since that time Mr. Fitch has been relieved of his duties as internal-revenue collector, but I presume the account has not been settled in the office.

Mr. STEPHENS of Texas. Does the report on this bill show these facts?

Mr. MANN. The report does show the facts.

Mr. STEPHENS of Texas. Is it a unanimous report by the committee?

Mr. MANN. Yes; it is a unanimous report.

Mr. POUL. It is a unanimous report by the committee, and it is recommended by Secretary McAdoo and by the Commissioner of Internal Revenue.

Mr. MANN. I made no recommendations to the committee in regard to it. I introduced the bill for Mr. Fitch, who was a constituent of mine, and asked the committee to refer the matter to the Treasury Department.

Mr. STEPHENS of Texas. I understand there are numerous precedents for this?

Mr. MANN. I believe there are no cases like this where the Government has not relieved the officer.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next one.

JAMES T. M'KENNEY.

The next business in order on the Private Calendar was the bill (H. R. 6506) for the relief of James T. McKenney.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James T. McKenney, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500, for the loss of his left leg, which was amputated at the knee joint as the result of physical injuries received by him on the 16th day of February, 1912, while he was in the employ of the Government of the United States at the navy yard at Mare Island, Cal., and in the discharge of his duties as a shipwright.

With the following committee amendment:

Amend, line 6, by striking out "\$2,500" and inserting in lieu thereof "\$1,427.28."

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, as I recall this case—and I can very easily refresh my recollection from the report—this man was injured while in the Government service, and has been paid all that the law allows under the compensation act, and, in addition to that, has been furnished with an artificial limb. Now, I do not think the compensation act makes sufficient compensation for a man who loses his life, or leg, or thumb-nail; but that is the general law. We shall have a report coming in here soon which will show how much has been paid since the compensation law has been in force. If, every time some man is injured and draws the amount that the general law allows him, and then presents a claim to Congress in addition, what is the use of having the general law? I should like to get an expression of opinion from my distinguished friend from North Carolina [Mr. POU] as to whether he thinks that where we have a general compensation law or a post-office law or any other general law making compensation for injuries, we should, in addition to giving the amount allowed by the general law, pay another sum by a special bill where there are no extraordinary circumstances?

Mr. POUL. Mr. Chairman, I will say to the gentleman that my view is and always has been that we ought to follow, as nearly as we can, the general law with respect to the settlement of these claims against the Government.

Mr. MANN. Mind you, this man has been paid under the general law.

Mr. POUL. I understand that. This man has received one year's salary.

Mr. COX. How much was that?

Mr. POUL. It was \$1,427.28. The committee had this case up on two different days, as I recollect, and it appeared that this man was a very useful employee of the Government; that he was a man of some education, and a man who well earned his salary of \$1,427.28. In view of the fact that this man has lost his leg, the committee thought that \$2,500 would not be too much. Now, it should be borne in mind that the Committee on Claims are not governed by any law with respect to the settlement of these matters. The compensation act is merely advisory.

If the compensation act were sufficient, of course, these people would not have to come to the Committee on Claims at all, and we have tried as best we could to settle all these cases upon their merits. It was found almost impossible to adopt any hard-and-fast rule of action. That is to say, we could not say that in a certain class of cases we are going to pay a certain amount of money to every person injured in a certain way, because there are different circumstances, and no two instances are exactly alike. I do not know whether the committee made a mistake in embarking upon this plan of settling these claims, but it did it. The public-service corporations were settling similar claims for accidents under similar circumstances. All I can say, on behalf of the committee, is that we take these cases and try as nearly as we can to do justice in each particular instance. It appeared that this man had lost his leg, and we thought that \$2,500 was not too much, and we did not feel that we were bound by the fact that he had received one year's pay.

Mr. GOULDEN. What was this gentleman's position under the Government?

Mr. POUL. He was a skilled mechanic in the Mare Island Navy Yard.

Mr. MANN. He was 72 years old. Of course, he could not do much work, as far as that is concerned. Now, the committee have more of these claims for personal injuries than they report, as I understand. Am I not correct?

Mr. POUL. There are quite a number still pending, as I understand it.

Mr. MANN. And no matter how many the committee did report it would still leave a great many that it did not report, because the more are passed the more by geometrical ratio are introduced. Every bill to pay a man a second time, considered by the committee, prevents the consideration by the committee of a bill to pay a man once. There have been thousands of these claims allowed under the compensation law. If each one of them should present a claim to the committee for a second allowance, of course, necessarily the committee would be lost. That is, it could not consider the merits of all those claims. Of course, I see that the chairman of the Claims Committee is in a somewhat embarrassing position, not believing himself in what his committee has done, and still forced to defend the action of his committee. I am going to relieve him from the difficulty so far as this claim is concerned, and as far as any other claims are concerned reported from his committee while I am here, to pay an additional amount over the amount allowed by the compensation law, where the claimant enjoys the benefit of the compensation law, I shall object.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects to the present consideration of the bill, and the Clerk will report the next one.

BOLOGNESI, HARTFIELD & CO.

The next business in order on the Private Calendar was the bill (H. R. 5859) for the relief of Bolognesi, Hartfield & Co.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury and the proper accounting officers of the Treasury Department be, and they hereby are, directed to pay to Alessandro Bolognesi and William Hartfield, formerly composing the firm of Bolognesi, Hartfield & Co., of New York City, State of New York, the sum of \$8,532.99, the amount heretofore paid by said Bolognesi, Hartfield & Co. to the United States of America in payment of a judgment recovered by the United States of America against said Bolognesi, Hartfield & Co. in the circuit court of the United States, southern district of New York, on account of certain money orders issued by the clerk in charge of Station 102, Brooklyn, N. Y., between January 2, 1906, and June 26, 1906, and for this purpose the said sum of \$8,532.99 is hereby appropriated out of any money in the Treasury not otherwise appropriated.



The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, I should like to ask the chairman of the committee or the author of this bill something about the merits of it. How does the Government come to owe this firm \$8,532.99?

Mr. POU. I will say to my friend from Illinois that this is quite an unusual thing. This firm of Bolognesi, Hartfield & Co. purchased, as innocent holders for value, 128 post-office money orders, which aggregated \$12,800. The money orders were regular in every respect. They were signed in the way that they should have been signed by the proper Government official. There was nothing on earth to show that they were not regular in every respect, and they were accepted, just as if I should take a \$10 bill from my pocket it would be accepted by any gentleman on this floor. It was afterwards ascertained that these post-office money orders were forged, and I believe that the guilty man was prosecuted by the Government.

Mr. CULLOP. And now they do not want the rule of caveat emptor to apply.

Mr. POU. That is true; and the committee did not think that the rule ought to apply. My recollection is that the department takes the same view. My information is that since this thing happened the Post Office Department has taken precautions to prevent a repetition.

Mr. MADDEN. The Government got the money, as I understand it.

Mr. STAFFORD. Oh, no; the Government did not get the money.

Mr. POU. They sued and got about \$8,000, as I recollect.

Mr. STAFFORD. They have recovered \$6,000 on the bond of the defaulting official.

Mr. POU. That is it; I stand corrected; that is true. The point that was presented to the committee is this: If the Government allows a genuine post-office money order to go on the market in this way, and a citizen buys it as an innocent purchaser for value, and it turns out by reason of the fact that the Government has not sufficiently surrounded the issue of the money order with safeguards to put the average man on notice, ought the innocent purchaser for value to lose his money?

Mr. CULLOP. These were forged orders, were they not?

Mr. POU. They were forged in one sense, and in another they were not. They were signed by the proper official. If they had been genuine orders there would have been no difference—not an "i" dotted or a "t" crossed.

Mr. COX. Will the gentleman yield?

Mr. POU. Yes.

Mr. COX. Were these claimants brokers or bankers?

Mr. POU. I think they were brokers in New York City.

Mr. COX. Why were they investing in these money orders if there was no profit in it for them?

Mr. POU. The orders came in their regular course of business, as I understand it.

Mr. STAFFORD. I think the gentleman is mistaken; if the gentleman will permit me—

Mr. POU. Certainly.

Mr. STAFFORD. This superintendent of a postal station in Brooklyn who was the defaulter was also the agent of this firm of New York brokers in selling steamship tickets to foreigners who happened to be patrons of the branch postal station. He paid for these steamship tickets, which work he performed as a side issue, by executing money orders and turning them over to the New York firm. That practice had been indulged in for years and years, and at last such amounts of money orders were turned over by the superintendent to this company as to put the New York brokers on notice that something was irregular, even though the practice had been continued for a number of years when there was no irregularity. He was, in fact, the agent of the New York firm. If an agent defaults in some act, simply because he is also employed by the Government, that ought not to give the firm recourse to the Government for reimbursement.

Mr. CULLOP. Mr. Chairman, it seems that this superintendent of the postal station issued these orders and the whole transaction was fraudulent. There has no reason so far been presented satisfactory to me, at least, why the Government should reimburse these men in their speculation. They simply miscalculated and made a bad deal. Now, they come and ask the Government to reimburse them for a bad business venture on their part. Dealing with a rogue, they had the direct result of the dealing. They got the worst of it.

If men deliberately enter upon a business venture, such as was evidently the case here, for speculative purposes, in what smacks of a questionable transaction, to say the least of it, and sustain loss, they are in no position to come to Congress and ask for a bill to be passed granting them relief and reimburse-

ing them for the loss. Again, here is furnished a striking example showing the necessity for the establishment of a tribunal to hear and determine the rights of parties asserting claims against the Government. This is necessary to grant relief to deserving claimants on one hand and the protection of the Government on the other. These matters now are left to Congress, which is very unsatisfactory. I hope to see such a tribunal established for such a purpose. I regard this claim without merit, and it would be an injustice to the people if it was allowed. I object.

The CHAIRMAN. The gentleman from Indiana objects.

MARY WELCH.

The next business in order on the Private Calendar was the bill (H. R. 12623) for the relief of Mary Welch.

The Clerk read the bill.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York [Mr. LEVY], who introduced the bill, a few questions in regard to it.

Mr. STAFFORD. Is not the gentleman from Illinois aware that the distinguished gentleman from New York [Mr. LEVY] sent a telegram to the Speaker the other day saying that he had been suddenly taken ill?

Mr. MANN. Oh, no; the gentleman sent no such telegram as that. It said that the gentleman's physician thought that he ought not to travel to Washington, but it did not say he was ill. I thought that he had come by this time. However, if he is not here, I will ask to have it go over until he can be here. I object.

TRANQUILINO LUNA.

The next business in order on the Private Calendar was the bill (H. R. 5991) to authorize the payment of \$2,000 to the widow of the late Tranquilino Luna in full for his contest expenses in the contested-election case of Manzanares against Luna.

The Clerk read the bill.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

BERNARD CITROEN.

The next business in order on the Private Calendar was the bill (H. R. 4310) concerning certain moneys collected from Bernard Citroen as customs duties and declared by the United States Supreme Court to have been illegally exacted.

The Clerk read the bill, as follows:

Whereas Bernard Citroen, on the 6th day of April, 1907, deposited with the collector of customs at the port of New York, under protest, the sum of \$110,335 to secure a release to him of certain pearls imported by him on June 11, 1906, and on which pearls he already had paid duty to said collector at the rate of 10 per cent ad valorem under a classification made by the said collector of customs, but which classification was subsequently, on or about the 28th day of June, 1906, changed by the said collector and the duty exacted thereon increased from 10 per cent to 60 per cent ad valorem; and

Whereas the Board of General Appraisers at the port of New York did, on the 14th day of June, 1907, sustain the importer's protest and reversed the collector and classified and assessed for duty said pearls at 10 per cent ad valorem instead of 60 per cent as exacted and obtained from said importer by said collector; and

Whereas the decision of the Board of General Appraisers was, on or about the 13th day of July, 1908, reversed by the United States Circuit Court in and for the Second Circuit, but on appeal to the United States Circuit Court of Appeals in and for the Second Circuit, and on or about the 22d day of January, 1909, the decision of the said Board of General Appraisers was affirmed and the decision of the said circuit court was reversed; and

Whereas the said decision of the said Circuit Court of Appeals in and for the Second Circuit was affirmed at the October, 1911, term of the Supreme Court of the United States; and

Whereas the said Bernard Citroen had to pay interest on and lost the use of said sum of \$110,335 for and during the period it was detained from him, against his protest, by the said collector from the 6th day of April, 1907, to the 6th day of April, 1912: Therefore

Be it enacted, etc., That the Secretary of the Treasury pay to Bernard Citroen or his assigns, out of any money in the Treasury not otherwise appropriated, interest on said sum of \$110,335 from the 6th day of April, 1907, to the 6th day of April, 1912, at the rate of 6 per cent per annum; and the payment of said interest shall be, and hereby is, declared to be in full settlement and discharge of all claims of said Bernard Citroen against the United States because of the withholding of said money.

The following committee amendment was read:

On page 2, line 1, after the word "appropriated," add the following: "the sum of \$33,100.50 being the."

The CHAIRMAN. Is there objection?

Mr. PAYNE. Mr. Chairman, reserving the right to object, I do not see any majority members of the Committee on Ways and Means present. If I were one of the members, I would not let such a bill pass. It creates a new precedent which may take millions of dollars out of the Treasury of the United States.

Mr. MADDEN. Is not the chairman of the Ways and Means Committee here?

Mr. PAYNE. I do not see him.

Mr. MADDEN. I thought he was here to help make a quorum.

Mr. PAYNE. Mr. Chairman, I think I shall have to object.

Mr. GOLDFOGLE. Will the gentleman withhold his objection?

Mr. PAYNE. I will withhold it if my friend wishes to make a speech, certainly.

Mr. GOLDFOGLE. Mr. Chairman, a little while ago the gentleman from Indiana [Mr. CULLOP] took occasion to suggest that it would be well if claims generally, or a certain class of claims, were considered by some separate tribunal instead of going through the peculiar process that we go through in this House whenever the Private Calendar is up for consideration. I agree with the gentleman from Indiana. I took occasion this morning in the House to call attention to the fact that it entirely depended, whenever claim bills were up for consideration for unanimous consent, upon the judgment or whim or caprice of any single Member of the House to turn a bill down. This is another exemplification of the fact.

Here is a bill that rests upon conceded facts. There are no facts in dispute. The Government concedes every fact alleged by the claimant. One hundred and ten thousand dollars, by our Government, unlawfully and illegally exacted, and for five years withheld, from a citizen of the United States, according to a decision of the Supreme Court of the United States. One hundred and ten thousand dollars illegally exacted without the slightest warrant in law, locked up in the Treasury of the United States against the protest of one of our citizens; yet, if one single Member of the House chooses to object to the consideration of the claim, it can not be considered by the American Congress. Strange performance this, Mr. Chairman.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. GOLDFOGLE. I can not yield to the gentleman now. I will yield to the gentleman in a few moments. If it were only the bare fact that this immense sum of money were taken from the claimant against his protest and against his will and locked up for five years in the Treasury of the United States, notwithstanding the decisions of all of the appellate courts as the case passed through the various phases of litigation, there might not be so much to be said in favor of the bill; but the fact is that at every stage of the appeals, recited in the preamble of the bill, the claimant offered to the Government security for the payment to the Government of this sum unlawfully claimed by the customs collector. The Government, for some unexplainable reason—and I mean some of the then Treasury officials when I say "the Government"—refused to accept any security. They refused to accept the best kind of security. They would not take surety bonds; they would not take bonds of real estate owners; they would take the bond of no man, though he were millionaire or multimillionaire; they wanted the cash money retained in the Treasury, and retained it was; and now I ask the membership of this House whether it is an honest performance, whether it is a decent or just performance, to tell an American citizen that he may have, as it were, the blunderbuss of the Government placed at his head, compelled to give up \$110,000, which in whole or part he had to borrow, because such a large sum is not usually carried around in the pockets or bank accounts of men, or go into bankruptcy if he can not raise it and be pilloried in the United States court as attempting to evade the customs law, and then tell him that, though there was no law or justification for the exaction, the money so taken shall be kept by the United States for five years, without getting a dollar of compensation for his loss. Why, it is absurd, Mr. Chairman. The fact that these things occur in our Government and that it is within the power of a single Member of the House to hold up a claim of this kind shows the absurdity of to-day's performance in the consideration of the Private Calendar. What are we doing here to-day? We call up claims from the calendar. The Clerk reads the bill. Somebody rises to ask for an explanation; and whether the explanation be good or bad, whether the claim be meritorious or unworthy of consideration, some one Member objects, and then no one has an opportunity to vote yea or nay upon the measure. That is a performance unworthy of the American Congress. If the citizenship generally of the United States understood that this is the method by which claims are disposed of, they would be very much afraid to trust a government that deals with them in so unjust a fashion. I can not reconcile myself to the idea that the present Congress is dealing rightfully with the citizens of our country when they refuse to permit a vote upon a measure of this character. I have sat here day after day when private

bills were up and noticed some of the most meritorious measures turned down because they did not suit some one individual.

The individual objecting to the bill no doubt acted in good faith and in good conscience; but, after all, Mr. Chairman, sitting here to consider claims, are we as a body not to sit as a judicial tribunal? I believe we sit here, when we consider bills that arise upon claims made against the Government, as judges; and, sitting in a judicial capacity, I believe we ought to fairly express our judgment upon claims and vote them up or vote them down. That is the way courts would do. Unfortunately, we have no tribunals established by law for the consideration of claims of this character. True, some years ago, measures were passed under which certain kinds of claims can be sent to the Court of Claims for consideration. Under a law passed some years ago by Congress some claims can be sent for findings of fact to the Court of Claims. The bill now under consideration is upon a claim that can not, under the general law, be sent to the Court of Claims, but it is clear that it has merit. I appeal to the gentlemen of the committee present to-day whether this bill is not founded in justice and in righteousness, whether it is just that a single officer of the Government at the port of New York may exact, without warrant, without law, from the purse of a citizen one hundred and ten thousand two hundred-odd dollars, carry the case through all of the courts until it reaches the Supreme Court of the United States, every court deciding that it was unjust and unfair and unlawful to make the exaction, and that the victim of this exaction be refused that redress which every one of the membership of the House would insist upon having were he the victim himself and could go into court to establish his claim? Mr. Chairman, we are going through a farce when we call the Private Calendar only to have a few bills pass that escape objection and have all the others, whatever be their merit, turned down without a vote on the objection of a single Member.

Mr. Chairman, I wish there were more Members present in this committee. I wish I had the opportunity of addressing more of the membership of this House, so that I might awaken them, and through them their constituents, to the farce we go through time and again in the consideration of the Private Calendar. But there are not many Members here, and so, Mr. Chairman, I raise the point that there is no quorum present.

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seven Members present—a quorum.

Mr. PAYNE. Mr. Chairman, still reserving the right to object, I want to say a brief word in reply to what the gentleman from New York [Mr. GOLDFOGLE] has said. This bill when first introduced was properly referred to the Committee on Ways and Means, and afterwards, on the application of my colleague, the Committee on Ways and Means was discharged from the consideration of it and it went to the Committee on Claims, and hence there is nothing in the report to show that these people did not sell those pearls for enough money to pay for the value and pay also the duty on them—\$110,000 at that time. They afterwards got the \$110,000, and now they want \$33,000 interest. I object.

Mr. MANN. Mr. Chairman, will the gentleman from New York reserve his objection for a moment?

Mr. DONOVAN. Mr. Chairman, I demand the regular order. The gentleman from New York has twice objected to this.

The CHAIRMAN. The Chair is compelled to disagree with the gentleman from Connecticut. The gentleman from New York has not objected at all. He has reserved the right to object.

Mr. PAYNE. I will reserve the right to object if I can.

Mr. DONOVAN. I am going to ask for the regular order.

The CHAIRMAN. The regular order is. Is there objection?

Mr. PAYNE. Mr. Chairman, reserving the right to object—

Mr. CULLOP. I withdraw the objection. Mr. Chairman, if the gentleman from New York desires to reserve the right to object.

Mr. PAYNE. Mr. Chairman, reserving the right to object, if the gentleman from Illinois wants to speak, I will reserve it; otherwise I will object. Well, I object.

The CHAIRMAN. The gentleman from New York objects.

OSCAR FROMMEL & BRO.

The next business in order on the Private Calendar was the bill (H. R. 1625) for the relief of Oscar Frommel & Bro.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to Oscar Frommel &



Bro., of New York, N. Y., a corporation of the State of New York, the sum of \$5,844.15, the same being duties paid by said corporation to the collector of customs of New York on 16 shipments of potatoes imported at the port of New York during March, April, and May, 1912, condemned by the board of health and destroyed, no notice of such condemnation by the board of health having been furnished the claimant within sufficient time to permit abandonment to the Government without the payment of duties thereon, as authorized under the provisions of subsection 22 of section 28 of the act of August 5, 1909.

The committee amendments were read, as follows:

Page 1, line 4, strike out the word "refund" and insert the word "pay."

Page 1, line 6, after the words "New York," insert the words "out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is a matter of refunding duties paid upon importations and this bill is to refund the duties entirely. The bill which was just objected to was a bill to pay interest on duties which had been paid and which the court subsequently held should not have been paid, and the duties there were to be refunded by the Government without specific appropriations being passed in a bill. Both of these bills, of course, come from the Committee on Claims, which is the only committee that can consider them, and both of them affect matters that are in the legislative control of the Committee on Ways and Means. Both are of great interest to the Committee on Ways and Means. In recent days we have made strenuous efforts to have the Members of the House, as far as practical, attend upon the sessions of the House. They get notice when there is a roll call, slip in and answer and slip out, and I notice on this occasion, when these two bills, carrying large sums of money, are before the House for consideration involving questions strictly under the jurisdiction of the Committee on Ways and Means, I notice that the gentleman from Texas [Mr. GARNER], a member of the committee, is present. I notice the gentleman from Missouri [Mr. DICKINSON], who, I believe, is also a member of that committee, is present, but I notice with sincere regret that the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the committee, has graced us with his absence; that the gentleman from North Carolina [Mr. KITCHIN] is not here; that my colleague from Illinois [Mr. RAINEY] is elsewhere; that the gentleman from Indiana [Mr. DIXON] is away very properly on account of a death in his family—

Mr. CULLOP. Will the gentleman yield for an interruption there?

Mr. MANN. No; I have just explained that.

Mr. CULLOP. I would like to give the reason for his absence—

Mr. MANN. I have just given the reason myself. I notice that the gentleman from Minnesota [Mr. HAMMOND]—well, I do not know where he is, but he is not here. The gentleman from Pennsylvania [Mr. PALMER]—well, he is not here; he was here last week one day, maybe more. The gentleman from Ohio [Mr. ANSBERRY] is away on account of health. The gentleman from Mississippi [Mr. COLLIER] is absent. Notwithstanding our strenuous efforts—

Mr. GARNER. Will the gentleman yield?

Mr. FOSTER. The gentleman from Mississippi [Mr. COLLIER] is here; he is in the back of the Hall.

Mr. MANN. I am glad we have the presence of the gentleman from Mississippi [Mr. COLLIER], and I will say this about him, that he is usually present. [Applause on the Democratic side.]

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I will.

Mr. GARNER. The gentleman has enumerated the absentees on the part of the Democratic membership of the Ways and Means Committee. Would the gentleman kindly enumerate just at this time the absentees on the part of the Republicans of the Ways and Means Committee? [Applause on the Democratic side.]

Mr. MANN. I will be glad to do so. The gentleman from Michigan [Mr. FORDNEY] is not present. The gentleman from New York [Mr. PAYNE] is present and the gentleman—

Mr. MOORE. Mr. Fordney was here a moment ago.

Mr. MANN. The gentleman from Pennsylvania [Mr. MOORE] is here. The gentleman from Massachusetts [Mr. GARDNER] is seeking to carry out the purpose of Congress, which has been delayed by the State Department, to get people back from Europe [applause on the Republican side], and he is abroad for that purpose. The gentleman from Iowa [Mr. GREEN]—

SEVERAL DEMOCRATIC MEMBERS. Who delegated him to go abroad?

Mr. MANN. The gentleman from Iowa [Mr. GREEN] is here. The gentleman from Nebraska [Mr. SLOAN] was here a moment ago. I do not know whether he is here now or not. There are more Republicans here than Democrats, and we have only 6 Republicans on the committee to 14 Democrats; and we do not

have the responsibility and we did not put in the buncombe resolution about docking pay. [Applause on the Republican side.] We have got a very good record here. And because of the absence of these gentlemen a demand for the regular order—and I note that my friend from New York [Mr. GOLDFOGLE] has just made a point of order and then absented himself—

Mr. BARKLEY. The gentleman from New York is still here; the gentleman from Illinois can not see. [Laughter.]

Mr. MANN. Well, the gentleman from New York slipped down in his seat behind a bigger man physically.

I object to the bill.

HERMAN REHN.

The next business in order on the Private Calendar was the bill (H. R. 14687) to appropriate a sum of money to Herman Rehn for injuries sustained while in the employ of the naval authorities of the United States at the Naval Academy, Annapolis, Md.

The Clerk read as follows:

Whereas Herman Rehn was an employee in the electrical department of the United States Naval Academy at Annapolis, Md., and while in a battery room removing a carboy filled with sulphuric acid, for which no proper machinery for handling had been provided, said carboy fell and broke and the acid splashed into his eyes, from which he has lost his sight in both eyes without any hope of recovering, the said accident having occurred on the 9th day of January, 1905; and

Whereas the said accident would not have occurred if proper machinery facilities had been provided by the United States naval authorities; and

Whereas had the accident occurred while in the employ of a private individual or a corporation the said Herman Rehn might have maintained an action against such person or corporation and recovered damages for the injuries sustained by him; and

Whereas a private individual can not maintain an action against the United States for any injury received on account of negligence, but as an equitable consideration, it is right and proper that the United States should treat its employees in the same way as if they had been working for private individuals or corporations: Therefore

Be it enacted, etc., That an appropriation of \$2,500 be, and the same is hereby, made and appropriated, to pay to Herman Rehn, of Anne Arundel County, Md., for permanent injuries sustained while in the employ of the United States naval authorities at the Naval Academy, Annapolis, Md.

SEC. 2. That immediately after the passage of this act the Treasurer of the United States is hereby required to pay the said sum to the said Herman Rehn, residing at Annapolis, Md.

The committee amendments were read, as follows:

Strike out all of the preamble, and on page 2, line 4, after the word "appropriated," insert the words "out of any moneys in the Treasury not otherwise appropriated."

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I am going to speak a few words that do not apply to the bill which is before the committee. We have been regaled here for two or three days on the matter of attendance in this body. To my surprise some of our great lawyers have taken what to a layman, or at least to myself, is a most peculiar position. I suppose, strictly speaking, it is technical. Now, the truth is that it is not the occasional violation of the law with which we are concerned, but it is the chronic violation, the chronic condition. When we have met here for days and days, and I might say weeks, with not half a quorum, these things become chronic. I saw myself yesterday two Members of this body for the first time in my life.

Mr. COX. Who were they?

Mr. DONOVAN. I found out the name of one of them and I asked several attachés the name of the other, and one of the attachés, who was standing at the desk, told me he would find out, but he has not found out yet. [Laughter.]

Now, Mr. Chairman, to make a point of no quorum would be the proper thing to do, but as the gentleman from Illinois, the minority leader, has stated here upon the floor, persons who live in glass houses should not throw stones, and some of these people who have been making the points of no quorum surely live in glass houses. A gentleman came in here the other day, and made a point of no quorum twice in one hour, and as a Member of this body he has been absent two-thirds of the time. The gentleman from Pennsylvania, from a spirit I can not explain, as soon as we were through with the divine portion of the morning raised the point of no quorum several days in succession, but because of the verbal spanking of his associate from Pennsylvania [Mr. MOORE] he stopped. Now, that gentleman from Pennsylvania was living in a glass house, because I find here that in the first session of the Sixty-third Congress he was away, according to the roll call in the Record, more than two-thirds of the time.

Mr. MOORE. To whom do you refer?

Mr. DONOVAN. I refer to one of the gentlemen from Pennsylvania, not the Member who has just arisen from his seat and interrupted me in an unparliamentary and unruly way.

Mr. MOORE. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Connecticut yield to the gentleman from Pennsylvania?

Mr. DONOVAN. I am delighted to yield to him when he is gentlemanly.

Mr. MOORE. I inquire courteously and in a parliamentary way of the gentleman from Connecticut to whom he referred when he speaks of "the gentleman from Pennsylvania." There are several of them.

Mr. DONOVAN. Most of them have a peculiar record here. The gentleman referred to was Mr. BUTLER, and the one who admonished him was of the name of Mr. MOORE.

Mr. MOORE. They are both distinguished Members of this House.

Mr. DONOVAN. Very distinguished Members, and one of them is noted for his duties and the other one for his absence from duty.

Mr. MOORE. Well—

Mr. DONOVAN. I decline to yield further. [Laughter.] One of them was absent in the first session of the Sixty-third Congress, according to the roll calls, as I have said, more than two-thirds of the time, and in the language of the gentleman from Illinois, the minority leader, he was living in a glass house when he was raising the question of no quorum, for he had many opportunities at that session to raise it if he had been present. Now, in this session he has done a little better. This is the second one. He has been present 64 roll calls and absent only 42.

Now, the Pennsylvania delegation as a whole has the most remarkable record here for attendance in this body—most remarkable. If there is such a thing as conscience in the heart of a Member of Congress, he would return the money to his Government that he has taken and has not earned. If there was such a thing as conscience in the heart of a Member of Congress, he would not take the money when he has never been present. The extreme case in this body, Mr. Chairman, I admit, is on our side—the very extreme case—but he only wins, as we say in the sporting world, by a neck from a Member on the other side.

Mr. MOORE. Mr. Chairman—

The CHAIRMAN. Will the gentleman from Connecticut yield to the gentleman from Pennsylvania?

Mr. DONOVAN. Delighted! [Laughter.]

Mr. MOORE. When the gentleman lays the blame for absenteeism upon one Member of the Pennsylvania delegation from his side, does he refer to the gentleman who is now absent campaigning for United States Senator in Pennsylvania?

Mr. DONOVAN. Mr. Chairman, I will not refer to him by name.

Mr. DONOVAN. Will the gentleman yield for a question? I wanted to say that the gentleman who is referred to by my colleague—

Mr. DONOVAN. I will yield, Mr. Chairman, if the gentleman from Pennsylvania [Mr. MOORE] is through with his question; or I will answer both at the same time.

Mr. MOORE. I will be very glad, indeed, to yield, if the gentleman from Connecticut will permit, to the gentleman from Pennsylvania [Mr. DONOVAN] in order that he may answer the question I put to the gentleman from Connecticut.

Mr. DONOVAN. I will answer you.

Mr. MOORE. There is some difference of opinion between Democrats in Pennsylvania, and I would like to have the opinion of an expert.

Mr. DONOVAN. The most flagrant case from the State of Pennsylvania is not a candidate at the present time in any election anywhere. Now, I do not care to mention his name. Privately I will let the gentleman from Pennsylvania look at the paper and see.

Mr. MOORE. I will be very glad to do that. [Taking paper.]

Mr. MANN. The most flagrant case of absence is not from Alabama or Pennsylvania.

Mr. MOORE. I would like to know what cases from Pennsylvania are flagrant?

Mr. DONOVAN. The gentleman from Illinois [Mr. MANN] was asking a question of me, but on account of the interruption I did not hear the gentleman.

Mr. MANN. I would like him to know there is one case where the Member was present on the opening day of the session—

Mr. DONOVAN. I will admit that.

Mr. MANN. And he answered to his name, and has not answered to any roll call since. And I believe he has drawn his mileage by sending in his certificate from home.

Mr. DONOVAN. I admit that, Mr. Chairman; but I would not want to refer to that case, Mr. Chairman, for this reason: He is not in that condition from self-will; but the gentleman

who goes from here into other pursuits, looking for the filthy lucre, and returns here at the end of the month and draws his pay is the man who deserves condemnation; but the gentleman whom the gentleman from Illinois refers to is ill and is absent through no volition of his own. I hope the gentleman from Pennsylvania will return the paper. I did not intend anyone to see it except myself.

Mr. MOORE. Mr. Chairman, I wish to say that the paper handed me is so evidently spurious that I question its value at all as a document.

Mr. DONOVAN. I take it, Mr. Chairman, that if the gentleman is not more truthful the rest of the time than in speaking about that paper it will be necessary for him to resort to the doctrine of Ingersoll to enable him to escape discomforts in his future home.

Mr. MOORE. If the gentleman depends upon that paper for the accuracy of his statement, I fear he is the worst offender of them all.

Mr. HEFLIN. Mr. Chairman, I regret that my distinguished friend from Wyoming [Mr. MONDELL] is not in the Hall. He found that I was out of the Hall about five minutes yesterday and made mention of the fact to the House.

The gentleman from Wyoming, Mr. Chairman, is not always here, but he is always speaking when he is here. [Laughter.]

The gentleman by his constant speaking has long since refuted the doctrine that the mill never grinds with the water that has passed, for those of us who sit here listening to his speeches day after day, bearing the affliction as best we can [laughter], can testify that the constant murmur and ceaseless flow of this winding stream of talk is taken up and poured back over and over again on the old mill wheel from Wyoming. [Laughter.]

Speech makers may come and speech makers may go, but the gentleman's speeches flow on forever. [Laughter and applause.]

Mr. Chairman, when the time for his final departure is at hand and he passes from us forever a fitting inscription on the slab above his resting place would be like the one above the dust of Ephraim Gordon—

Here lies the body of Ephraim Gordon,  
With movement mouth and tongue accordin'.  
Be careful, stranger, how you walk,  
Or he'll come up in a flood of talk.

[Laughter and applause.]

And, Mr. Chairman, in the far-away time of the great hereafter, where it is said if we are good fellows here we shall be good fellows there, and the things we do here are the things we will do there, and never be tired at all, I have thought that if the gentleman from Wyoming should reach that celestial city with his disposition to talk, with tireless tongue and debate unlimited, if ever he once gets recognition for a speech, God of our fathers, be with us yet! [Laughter and applause.]

Why, Mr. Chairman, almost any Member of this House, confronted with that situation, would say to St. Peter, "Cast me back into pagan night to take my chances with Socrates for bliss rather than be a celestial in a realm like this." [Laughter and applause.] And, Mr. Chairman, I can see one of the Virginia Members as he reaches the pearly gates. St. Peter would say, "Who comes here?" And when the gates stood ajar the Virginian, recognizing that familiar voice from Wyoming, would turn to St. Peter and say: "Take me back to old Virginia." [Laughter.]

And then, Mr. Chairman, I can see the gentleman from Oklahoma [Mr. FERRIS], who has been sitting here day after day during the long, long summer with this perfect flood of useless talk poured in upon him by the gentleman from Wyoming [laughter]—I can see him arriving at the gate up yonder and as it stands ajar he leans forward and listens and says, "What is all that talk I hear within?" And St. Peter answers, "It is MONDELL, of Wyoming, United States of America, once a Member of Congress. He has been talking ever since he arrived." [Laughter.] And then I can see the gentleman from Oklahoma as he shakes his head mournfully, and says, "Hell can not be such a bad place, after all." And he, too, declines to enter. [Laughter.]

And then, Mr. Chairman, I see the Speaker of the House arrive, moving with stately tread toward the gate of St. Peter. St. Peter looks at him a moment, and then opens wide the gate. The Speaker views the gentleman from Wyoming standing on a pyramid of celestial bodies that he has talked into that long and everlasting sleep. [Laughter.] As the Speaker observes him standing there, St. Peter explains the situation. "He arrived here just 30 days ago. He has been speaking ever since he arrived. [Laughter.] There is no power that can stop him. Those bodies that he stands upon are the bodies of the



beings he has talked to death long since." [Laughter and applause.] The Speaker stands silent for a moment, and St. Peter says, "Come in, good friend; be not afraid." The Speaker says, "If he has obtained recognition for a speech, and debate is unlimited, I'll move on, for this would not be heaven to me" [laughter]; and the Speaker walks sadly away. And then I observed a dozen Members or more who had served with and suffered at the hands of the gentleman from Wyoming. [Laughter.] There they stood, and St. Peter said, "Who comes here?" And as soon as the gate was opened they heard a familiar noise, a never-ceasing noise, within, and everyone of them recognized the sound. They looked at each other, and shook their heads sorrowfully, and murmured sadly, "This can not be heaven." [Laughter.] St. Peter observed their sad looks and heard their low, sorrowful murmur, and he said, "Why this defection and sadness among you?" One of them said, speaking for the party, "Do not compel us to enter here. We know what is going on within, and we have suffered enough in yonder world—let us depart in peace." And they, too, walked away; and the gentleman from Wyoming was still speaking. [Laughter and applause.]

Mr. MANN. Mr. Chairman, just a word, without intending to comment at length upon the speech made by the gentleman from Alabama. He always affords us a good deal of entertainment. I think he had foresight and prophecy in this—I notice the gentleman from Wyoming got into heaven, and that all the Democrats who applied there were turned away. [Laughter on the Republican side.] Of course, the excuse is given that they went away voluntarily, but the fact remains that not one of them got in. And that will be the case. [Laughter and applause.]

Mr. POUL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

ERSKINE R. HAYES.

The next business in order on the Private Calendar was the bill (H. R. 4535) for the relief of Erskine R. Hayes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. Hayes the sum of \$5,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Engraving and Printing, Treasury Department, in the city of Washington, D. C. Three thousand dollars of said sum shall be payable upon the passage and approval of this bill, and the balance shall be payable in monthly installments of \$100 until the full sum of \$5,000 shall be paid.

With committee amendments, as follows:

Amend, page 1, line 6, by striking out "\$5,000" and inserting in lieu thereof "\$3,000."

Amend, page 1, by striking out line 11, and page 2, by striking out lines 1, 2, and 3.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, this bill is introduced by the distinguished Member from Ohio [Mr. FESS].

Mr. MANN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] now has the floor.

Mr. MANN. No; he has not the floor. I have objected.

The CHAIRMAN. The gentleman from Illinois can not object.

Mr. MANN. Certainly I can object at any time. Any gentleman can object.

The CHAIRMAN. Not after another gentleman has been recognized and has the floor.

Mr. MANN. Certainly. The Chair asked if there was objection, and I objected. Nobody can prevent that.

The CHAIRMAN. The Chair asked if there was objection. The gentleman from Illinois started to rise, but upon seeing the gentleman from Connecticut rise the gentleman from Illinois did not rise. If, however, the gentleman from Illinois states that he did, and that he then made the objection the Chair will sustain him.

Mr. MANN. I rose to make the objection.

The CHAIRMAN. The Chair did not hear the gentleman from Illinois.

Mr. MANN. I rose to make an objection.

The CHAIRMAN. But did the gentleman make it?

Mr. MANN. I did make it.

Mr. HEFLIN. But he was not standing when he did make it.

Mr. MADDEN. Regular order, Mr. Chairman.

The CHAIRMAN. Did the gentleman from Illinois rise, address the Chair, receive recognition, and then make the objection?

Mr. MANN. It does not require recognition to make objection. The Chair asked if there was objection, and I objected.

The CHAIRMAN. The Chair is of the opinion that a gentleman on the floor is not entitled to say anything until he has been recognized.

Mr. CARTER. The gentleman from Illinois [Mr. MADDEN] has demanded the regular order, and when that is demanded, either some one must object or there is no objection.

Mr. MADDEN. I demand the regular order, Mr. Chairman.

Mr. HEFLIN. Mr. Chairman—

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. If the gentleman from Illinois [Mr. MANN] succeeds in taking the gentleman from Connecticut off his feet, this will be the parliamentary situation: The question is asked, Is there objection? A gentleman rises, receives recognition, and, reserving the right to object, proceeds to express some views to the House. He has the floor. The gentleman from Illinois [Mr. MANN], sitting in his seat, says, "I object," and takes the gentleman off his feet. The Chair did not recognize him for that purpose. He was not on his feet when he said "I object," and the gentleman from Connecticut had the floor and had the right to object. He might have made an objection at the conclusion of his explanation to the House or obtained the information that he desired.

Mr. MADDEN. Regular order, Mr. Chairman.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois make a parliamentary inquiry?

Mr. MANN. I have not made a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] demands the regular order.

Mr. MANN. I make the point of order, and ask the Chair to rule upon it. I am quite willing that the Chair shall rule that when a gentleman rises and reserves the right to object he shall have the rest of the day if he wants it, because it will come very handy to me if the Chair makes that ruling.

The CHAIRMAN. The regular order is demanded, and the Chair is of the opinion that that takes the gentleman from Connecticut off his feet.

Mr. DONOVAN. I did not hear the statement of the Chair.

The CHAIRMAN. The Chair is of the opinion that the demand for the regular order takes the gentleman from Connecticut off his feet.

Mr. DONOVAN. There is no doubt about that, Mr. Chairman. May I ask who demanded the regular order?

Mr. MADDEN. I demanded the regular order.

Mr. DONOVAN. He had done it at that time, had he?

The CHAIRMAN. The gentleman from Illinois demanded the regular order. The regular order is, Is there objection?

Mr. DONOVAN. I think that is correct.

Mr. STAFFORD. I object.

Mr. MADDEN. I object.

The CHAIRMAN. Objection is made by the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Illinois [Mr. MADDEN]. The Clerk will report the next bill.

AMANDA HONERT.

The next business in order on the Private Calendar was the bill (H. R. 1089) for the relief of Amanda Honert.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Amanda Honert, now of New Buffalo, Mich., the sum of \$500, for the destruction, on February 23, 1911, of her wearing apparel and other personal property of the value of \$500 by a fire which destroyed a building at the Cheyenne and Arapahoe Indian School, at Caddo Springs, Okla., then being used as a pesthouse for Indian smallpox patients, where said Amanda Honert was then employed as a nurse; and that the said sum of \$500 is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I wish to compliment the very able—

Mr. MADDEN. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MADDEN. I object.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask the gentleman from Illinois to withhold his objection.

Mr. GORDON. Regular order!

Mr. HAMILTON of Michigan. Mr. Chairman, the gentleman from Illinois states that he is willing to withhold his objection for a moment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objected. The Clerk will report the next bill.

Mr. HAMILTON of Michigan. The gentleman says that he will withhold his objection.

The CHAIRMAN. The Chair did not hear it.

Mr. HAMILTON of Michigan. The gentleman stated that he would withhold his objection before the Chair directed the Clerk to read the next bill.

The CHAIRMAN. The Chair is quite positive that the Chair had ordered the Clerk to report the next bill before the gentleman himself arose to state for the gentleman from Illinois that the gentleman from Illinois had withdrawn his objection.

Mr. POUL. The gentleman from Michigan [Mr. HAMILTON] wishes to make a short explanation of the bill. I ask unanimous consent that we may return to the gentleman's bill and that the gentleman may have two minutes to make an explanation.

The CHAIRMAN. Is there objection to the request made by the gentleman from North Carolina?

Mr. DONOVAN. Reserving the right to object—

The CHAIRMAN. The gentleman from Connecticut reserves the right to object.

Mr. DONOVAN. I must compliment the gentleman from Illinois on his care of his flock. I must compliment his associates—

Mr. MADDEN. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. DONOVAN. Reserving the right to object—

The CHAIRMAN. The Chair is compelled to hold that the gentleman's second reservation of the right to object is not in order.

Mr. GARNER. It is equal to an objection, Mr. Chairman, in case he insists on reserving the right to object.

The CHAIRMAN. The gentleman from Texas will readily see that if the gentleman from Illinois continues to demand the regular order, and the gentleman from Connecticut continues to reserve the right to object indefinitely, there would be no end to it.

Mr. GARNER. What the gentleman from Texas intended to convey to the Chair was that if the gentleman from Connecticut insisted upon reserving the right to object, it was equivalent to an objection.

The CHAIRMAN. The Chair does not think so, because an insistence upon the regular order brings the question to an immediate determination. The gentleman from Illinois [Mr. MADDEN] objected—

Mr. MADDEN. I demanded the regular order—

The CHAIRMAN. And the Chair directed the Clerk to report the next bill.

Mr. HAMILTON of Michigan. That is not the status at this time.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. HAMILTON of Michigan. I very respectfully suggest to the Chair that the Chair may be mistaken.

Mr. THOMPSON of Oklahoma. I object.

The CHAIRMAN. The Chair will hear the gentleman from Michigan. The Chair has not heard the gentleman yet in the confusion on the floor.

Mr. HAMILTON of Michigan. Am I recognized?

The CHAIRMAN. The gentleman is recognized.

Mr. HAMILTON of Michigan. The gentleman from North Carolina [Mr. POUL], as I understand, asked unanimous consent to return to this particular bill, and thereupon the gentleman from Connecticut [Mr. DONOVAN] reserved the right to object.

The CHAIRMAN. If the gentleman will permit an interruption from the Chair just at this time, the Chair will say that the gentleman from Illinois [Mr. MADDEN] objected.

Mr. MADDEN. No; I demanded the regular order.

Mr. HAMILTON of Michigan. The gentleman demanded the regular order, which was the putting of the request of the gentleman from North Carolina [Mr. POUL].

The CHAIRMAN. Perhaps the Chair misunderstood the gentleman. The regular order having been demanded, the question is, Is there objection to the request made by the gentleman from North Carolina that unanimous consent be given to return to the reading of the bill?

Mr. THOMPSON of Oklahoma. I object.

JOSEPH HUNTER.

The next business in order on the Private Calendar was the bill (H. R. 2344) granting a pension claim to Joseph Hunter.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Hunter, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the sum of \$918.53, the same being the amount of pension due him, at the rate of \$8 per month, from May 6, 1879, to January 8, 1889, he having been dropped from the pension roll on the first-named date and

restored thereto on the last-named date, and not having received any pension during the said interval.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, as I understand, this bill is to pay some back pension prior to the allowance of a pension by the Pension Office. Is it the intention of the Committee on Claims, where a man gets a pension either by special bill or in the regular way, to report a bill to pay a pension on the same basis back of the time when his pension is allowed? I suppose that would take several billion dollars out of the Treasury if it was a general law.

Mr. POUL. This man's name was stricken from the roll and it was afterwards restored.

Mr. MANN. It was stricken from the rolls on the ground that he was not entitled to it.

Mr. POUL. It proved that a mistake had been made in the first instance in striking the name from the roll. The bill was referred to the Pension Committee and that committee was discharged from the further consideration of the bill and it was referred to the Claims Committee.

Mr. MANN. Here is a case where a man filed an application and got it allowed for a small amount. Upon reexamination the Pension Office struck his name from the roll on the ground that he was not entitled to the pension. Subsequently, as time went on and his disability increased, he filed a new application and got it allowed by a special act of Congress. Thereupon the Claims Committee—the Pension Committee has always refused to antedate a pension—the Claims Committee reports a bill to allow him a pension prior to the time that Congress gave him a special act and during the time the Pension Office had said that he was not entitled to the pension. I suppose every pensioner in the land has a claim for back pension prior to the time of the allowance of his pension, if you allow this. At any rate, I think it ought to be considered when we can have some discussion of it, which is probably not practicable at this time.

Mr. DICKINSON. Mr. Chairman, I have no desire to interrupt the gentleman from Illinois, Mr. MANN, but I would like to make some suggestions in behalf of this claimant before any objection is made to shut it out. This is a bill introduced by the gentleman from Illinois, Mr. GRAHAM, in behalf of Joseph Hunter, who was a resident of his district.

Joseph Hunter has since moved into the district which I have the honor to represent, and is a resident of my home city. I know Dr. Joseph Hunter. He is a man now nearly 80 years of age, almost blind. He has no income other than the small pension that he is now receiving. In order to make out a subsistence I recall the fact that Dr. Joseph Hunter, an old man, was temporarily employed at a railroad crossing adjacent to my law office. I used to look out in the wintertime through the window of my law office, adjacent to the railroad, and see him with a flag in his hand stopping conveyances, in order to avoid accidents as railway trains passed. This old man had my sympathy and he had the sympathy of everybody in that community.

I have in my hand letters by prominent citizens of my home city, who have written me in behalf of Dr. Hunter, urging that this claim be pressed upon Congress for allowance. It had been disclosed to them that it might make a precedent, but the letters from our circuit judge and other prominent citizens, which I will ask to incorporate with my remarks in the RECORD, have urged that there can be no objection on the part of precedent to do an absolute justice to this old man.

At one time he drew a small pension, and then the pension was wrongfully shut off. The pension was afterwards restored. The bill is in the nature of a claim to give him less than \$1,000, at the rate of \$8 a month, covering the period between the time his pension was stopped and the time when it was renewed.

The technical objection is that the original claim for the pension came under the general law and that his present pension came through a private pension bill. It seems to me to be purely technical. My predecessor, Judge De Armond, introduced a bill in behalf of Dr. Hunter to recover this amount. Mr. GRAHAM of Illinois, in whose district he lived, introduced a bill in his behalf. Three times favorable reports have been made in behalf of this claim for this man in different forms. The claim has absolute merit and, in my judgment, no technical objection ought to be raised against it.

Joseph Hunter lived in Medora, Ill., and enlisted as a private soldier in Company F, One hundred and twenty-sixth Volunteer Infantry. He was honorably discharged at Little Rock, Ark., while in the line of duty, and was ordered to Memphis, Tenn., to receive his pay, amounting to \$425. He reported to the paymaster at Memphis, who refused to pay him on account of some technicality in his discharge papers. Four years later he was ordered to St. Louis, where he received the pay due him. Thirteen years after the close of the war he applied for and was



granted a pension at the rate of \$8 a month. Two years later charges were preferred against him on the ground that he was not entitled to receive a pension. He was dropped from the rolls, and afterwards he was restored, as he was entitled to be restored, and is still drawing a small pension. During the period between the time that he was dropped from the rolls and the time when he was restored he was entitled to this pension. The objection to his being allowed money for this claim when he should have received it in my judgment is purely technical. This old man is worthy, and I want here to present the judgment and opinion of a distinguished citizen, who is a circuit judge in my town and county, with respect to this claim. The letter is written to me and is as follows:

HON. C. C. DICKINSON,  
Washington, D. C.

DEAR SIR: Dr. Joseph Hunter has returned to Clinton with a view to having his eyes treated. He is partially blind, and it is hoped that by proper treatment he may regain his sight. He is very much interested in his bill to restore to him the amount of pension he was deprived of by being dropped from the roll unjustly. He informs me that the bill is in the hands of a special committee, of which you are chairman. It seems that Congress when it restored him to pension roll found that he had been unjustly dropped therefrom. Such being the case, it would seem that he ought to be allowed the amount he would have received during the time he was dropped. He says that the only thing in the way is the fear of establishing a precedent. If the claim is just, and it seems that Congress so found, then such a precedent can do no harm. He suggests that if there is doubt in the minds of the committee, that it would be well to have him appear and make a statement. I have no doubt but what you will do your best to obtain justice for Dr. Hunter. He and his friends will greatly appreciate your efforts in his behalf.

Very truly, yours,

C. A. CALVIER.

I also submit a letter of a prominent lawyer and citizen of my home city—of Clinton.

HON. C. C. DICKINSON,  
Washington, D. C.

MY DEAR DICKINSON: Dr. Joseph Hunter was in my office this morning to see me. He has recently come out to Missouri on account of the condition of his eyes, and he is now having them treated. My friend Dr. Hunter is, I am afraid, nearly blind, and sincerely hope he will recover his vision.

I find in talking with Dr. Hunter that he understands his claim is now in the hands of a special committee. He tells me he is advised that Speaker CLARK placed his claim in the hands of a special subcommittee consisting of yourself as chairman and two others. He did not give me the names of the other members of the committee. In the event his information is correct I hope you can take the matter up for him and secure as prompt action in the way of relief as can be done.

He tells me the regular committee is afraid of making a precedent in allowing his claim. From the history of this matter I am of the opinion Dr. Hunter's name was taken off the pension roll by reason of the fact he was an active, outspoken Democrat and not by reason of the fact he was not entitled to his pension. The former action of the House and the report of the committee when his name was restored to the pension roll show that the evidence did not justify the dropping of his name from the pension roll, and it seems with this finding of facts it follows, then, he was unjustly dropped from the roll and unjustly deprived of his pension during the time his name was dropped from the pension roll.

If he was unjustly deprived of his pension, he ought to have all that he was thus deprived of unjustly, and such precedent could never wrong anyone. It could only be used in favor of those whose names were unjustly dropped from the pension roll, and the precedent then would only result in doing justice to those concerned. Such precedent could not inure to the benefit of those whose names were properly dropped from the pension roll.

These are my individual views submitted to you for your consideration. I feel sure you will be glad to do all you can for Dr. Hunter. He gave me the name of his Congressman in his district, but for the time being I have forgotten the name. I can obtain it and write you again. As ever,

Yours,

PEYTON A. PARKS.

Congressman JAMES M. GRAHAM, of Illinois, is from the doctor's district.

This bill was reported at one time by me as chairman of a subcommittee of the general Private Claims Committee, of which Mr. POU, of North Carolina, was chairman, when I was a member of that committee. Dr. Hunter is the same man for whom Judge De Armond, my distinguished predecessor in Congress, known to many Members, introduced a bill, the same man in whose behalf Mr. GRAHAM of Illinois introduced a bill, and for whom I made a favorable report as chairman of a subcommittee of said Claims Committee.

The bill reads as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Hunter, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the sum of \$918.53, the same being the amount of pension due him, at the rate of \$8 per month, from May 6, 1879, to January 8, 1889, he having been dropped from the pension roll on the first-named date and restored thereto on the last-named date, and not having received any pension during the said interval.

These letters written to me evidence the sympathy of the community for him, and they can not understand why it is that this old man, nearly 80 years of age, who faithfully served his country, and who is now nearly blind, a man with nothing but a small pension, who stood there in the cold of winter, seen by these people, with a flag in his hand protecting passengers from

injury along the railroad track, should not be allowed this claim, and why the claim should not receive the most careful consideration at the hands of this body. Their hearts went out in sympathy for the old man, and the judgment of all familiar with his case favored the allowance of this just claim. Distinguished Members of Congress have repeatedly introduced bills in his behalf, and three distinct reports have come from the Committee on Claims stating that this claim ought to be allowed.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield for a question.

Mr. CLINE. I just want to ask one question. Was the petitioner dropped from the rolls as the result of a special examination at the time he was dropped?

Mr. DICKINSON. There is a long history in regard to that.

Mr. CLINE. Did the Pension Department send out a special examiner to investigate the case before he was dropped from the rolls?

Mr. DICKINSON. I do not want to speak positively about that. It has a long history. It has been said that prejudice is the reason why he was dropped. He was a great partisan, though I do not believe that that ought to be brought into the matter. The fact is that he was dropped, he ought not to have been dropped, and by the action of Congress he has been restored by a special bill.

Mr. CLINE. Did he make an effort to get restored?

Mr. DICKINSON. Time and again he has come to Congress in behalf of his claim.

A part of the last committee report, as made by Mr. POU, chairman of the Committee on Claims, reads as follows:

The bill, as introduced, was passed on the above recommendation of the committee, which was to "restore" the pensioner to the rolls. The bill, as introduced, did not provide that the soldier should be allowed pay for the time he had been dropped from the rolls, but it was supposed that a restoration would carry with it the payment of the pension while he had been deprived of it. This the department has refused to do.

The soldier asks pay for the time he was suspended or dropped from the rolls, on the ground that if the department had no right to drop his name they have no right to deprive him of the nine years or more of pay which he would have drawn had the action not been taken. If, after the congressional committee made a thorough investigation and recommended his restoration to the rolls and on their recommendation he was restored as a pensioner, this statement of fact should be proof conclusive of the pensioner's claim that he should be paid for the time he was deprived of his pension. The soldier is now approaching his seventy-fifth year and is receiving a pension under the service act allowed by law, but insists that he should be paid for the time he was not permitted to draw pay under the original pension.

Now, upon the question of its being a precedent, and responding to the suggestion of the gentleman from Illinois, I want to say this: That during the time that this case was before the Committee on Claims a similar case was introduced by the gentleman from Iowa [Mr. GREEN] in behalf of the heirs of a certain deceased soldier. The gentleman from Illinois [Mr. MANN] made an objection to that bill, and then said, as I remember it, that if the man were living he would not make the objection. That claim afterwards came up on the regular call, and no objection was made and it went through the House. After that I called up in the committee the claim of Dr. Hunter, who was living, and it was favorably reported. It is not a claim in behalf of his heirs, but in his own behalf, and I thought then that under the statement made by the distinguished gentleman from Illinois there could be no reason why the claim of Dr. Hunter should not go through. I will put into the RECORD the name of that other case to which I refer, because I do not exactly recall it now. It was, as I recall, a claim in behalf of the heirs of Antonio Sousa. It seemed to me that if the other case went through the case of Dr. Hunter ought to go through. I know there is a claim about the danger of precedents, but these matters are always in the power of the House, and we are not bound by precedent unless Congress sees fit to invoke it. The justice of a claim and not mere precedent should control, and I press upon the membership of this committee that this old man, now on the very verge almost of the grave, walking through the streets of my town almost blind, with the sympathy of prominent men and of the people of that community familiar with the facts of his case, should have his claim allowed. These men can not understand why this old man who was deprived for a number of years of \$8 a month, aggregating less than \$1,000, should not be allowed this claim. He was entitled to it in the first instance, and if he was so entitled to it in the first instance and was dropped from the pension rolls by no fault of his own and afterwards restored, his claim for the time he was dropped from the rolls should be allowed. I do hope that no objection will be raised against it, and that this claim will be allowed.

Mr. MANN. Mr. Chairman, just a moment. The claimant in this case enlisted for three years in the war. He served for

one year only, probably for some good reason, I do not know what it was. In 1877, in April, he had a pension allowed to him on account of cancer of the stomach. I can see my friend from Illinois, Dr. FOSTER, when I make the statement that he was given a pension for cancer of the stomach in 1877 and is still doing business.

Mr. DICKINSON. I hope the gentleman will not put that smile in the RECORD.

Mr. MANN. In April, 1877, he was allowed a pension. In May, 1879, the Pension Office, for some reason, reconsidered his case, and stated that he was not entitled to a pension, and so far as the law stood he was not entitled to a pension. He did not get a pension under the law. But he secured a special act of Congress granting him a pension later. Well, now, he was like anybody else who gets a special act of Congress, absolutely no distinction between his case and another, except that for two years he had been drawing a pension to which he was not entitled. He was that much ahead of the game. We pass every year hundreds of special bills. Why, I have been appealed to, and I suppose every other northern Member of the House has been appealed to, time and time again to have a special bill relate back, and I have always said, as other Members are required to say, that it is the invariable rule of the Congress that it never passes a special pension bill and makes the pension date back of the passage of the act, because if we did, of course you would date them all back practically to the time the man came out of the Army. Now, the gentleman refers to the Iowa case. I do not remember anything whatever about it. The gentleman has the advantage of me, but I will undertake to say that I have never expressed in any way, shape, or manner any proposition in favor of allowing a back pension, either in the Iowa case or any other. But the gentleman admits that the two cases are not alike and then seeks to hang this case on the Iowa case as a precedent. Now, if he can do that, then you could not but hang all the rest of these special pension cases on this case as a precedent.

Mr. DICKINSON. Will the gentleman yield?

Mr. MANN. Certainly I will yield.

Mr. DICKINSON. Mr. Chairman, I desire to furnish the information. The claim in that case was the heirs of Antonio Sousa.

Mr. MANN. Giving the name does not help me any.

Mr. DICKINSON. I understand, but I am giving it because I want to refer to it for a moment. Objection was made in the first instance that it was on behalf of the heirs of Antonio Sousa, he being dead, but if he were living there would be no objection. It afterwards passed the House and went to the Senate—

Mr. MANN. I undertake to say without recalling anything at all about the case, that if I made such a statement it was a very different case from this one. I would be willing for the whole record to be shown. No Member of this House could defend himself for a moment for not having all of the pension bills date back 5, 10, 20, 30, or 40 years if he lets this bill pass by unanimous consent, so I can not do it.

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GOULDEN. What is this gentleman getting now, what is his present pension under the special bill, and when was that special bill passed?

Mr. MANN. That special bill was passed in the Fiftieth Congress.

Mr. GOULDEN. In what Congress?

Mr. MANN. In the Fiftieth.

Mr. GOULDEN. What is the amount of the pension now paid him?

Mr. DICKINSON. I will read it. The bill is granting a pension claim to Joseph Hunter in the sum of \$918.53, the same being the amount of pension—

Mr. MANN. That is not what the gentleman is referring to.

Mr. GOULDEN. I desire to know what is the amount of pension paid now under the special bill passed by Congress.

Mr. DICKINSON. I think it is \$8; I may be wrong about that, but it is a very small amount.

Mr. MANN. I think it was originally at \$8 under the special bill, but I believe it was increased by a general act to not less than \$12, \$15, or \$20.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to extend my remarks, and also to include in them certain portions of the report and certain letters in reference to it.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

FRED A. EMERSON.

The next business in order on the Private Calendar was the bill (H. R. 4630) for the relief of Fred A. Emerson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Fred A. Emerson, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, as compensation for the loss of his left foot through no negligence on his part while being employed in the Watertown Arsenal, at Watertown, Mass., in December, 1900.

The committee amendment was read, as follows:

Page 1, line 6, strike out "\$5,000" and insert "\$1,500."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT T. LEGGE.

The next business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

P. J. CARLIN CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co.

The bill was read.

Mr. POU. Mr. Chairman, I am advised that there will be objection to this claim, and I ask unanimous consent to pass it over without prejudice.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. I also make the request of Calendar No. 256.

Mr. MANN. Wait until we reach it.

FRANK PAYNE SELBY.

The next business in order on the Private Calendar was the bill (H. R. 6879) for the relief of Frank Payne Selby.

The title of the bill was read.

Mr. POU. Mr. Chairman, I ask unanimous consent that this bill be passed over without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

RITTENHOUSE MOORE.

The next business in order on the Private Calendar was the bill (H. R. 6196) for the relief of Rittenhouse Moore.

The bill and the committee amendments were read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will report the next bill.

UNITED STATES DRAINAGE & IRRIGATION CO.

The next business in order on the Private Calendar was the bill (H. R. 10053) for the relief of the United States Drainage & Irrigation Co.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the United States Drainage & Irrigation Co., a corporation existing under the laws of the State of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$9,498.43, which sum is hereby appropriated, the same being for additional work performed by said United States Drainage & Irrigation Co. under its certain contract with the War Department, dated December 15, 1911, for jetty work at the mouth of Broadkill River, Del.

Also the following committee amendment was read:

In line 8, after the word "being," insert the words "in full."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to have the gentleman make a statement.

Mr. BROCKSON. Mr. Chairman, this case arose from a contract to reinforce the jetty at the mouth of Broadkill River, Del. The contract price was \$6,679.15. The time required or specified in the contract within which the work should be completed was three months. The mouth of this river is in the lower part of Delaware, near Lewes, in a flat country, where but very few stones are found. This jetty had lowered several feet. The contractor agreed to raise the jetty up to the required height and to reinforce this jetty by driving sheet piling at the side of the jetty. The specifications notified the contractor that there was some stone to be removed in order to drive the piling. After the work was commenced it was soon discovered that there was a very much larger quantity of stone there than was anticipated either by the contractor or by the



Government. At the side of this jetty was round piling. These piles stood about 12 inches apart. It was assumed by the bidders, and assumed by the Government, apparently, that the stone to be removed were such stone as had fallen through the small spaces in the round piling. I will now read from the statement of the company to show what difficulties were found:

We were compelled to remove approximately 600 tons of stone, some of quite large size, in order to drive the sheet piling in the manner called for, which work could only be accomplished by means of divers from day to day as the piling was driven. The use of an orange-peel bucket or other dredging or more rapid method was not allowed, as same would probably have caused the jetty to go adrift. The stone thus removed is in evidence, piled up alongside of the jetty. Some of it appearing above the surface at low tide. When it is understood that a large part of it was embedded in mud and sand, in some places to a depth of 4 or 5 feet, the difficulty of removing it will be apparent. We employed for the purpose a powerful steam-forced water jet for washing a hole in the stone, but even with this the diver was often almost engulfed, particularly where sand was encountered. Several of our divers gave it up.

Mr. MANN. I am satisfied, so far as I am concerned, with the gentleman's lucid explanation.

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

Mr. BROCKSON. Will the gentleman reserve his objection?

Mr. CULLOP. Yes; I will reserve the objection.

Mr. BROCKSON. As an indication of the opinion of another contractor regarding the quantity and practicability of removing the stone, it appears in the report that another company offered to remove all stone interfering with driving the piling for \$370.

On page 17 of the report you will find that the actual expenses of this contracting company were \$18,706.82. The contract price was \$6,679.15. The Government deducted from that amount \$1,009.30 for inspection and supervision, making the net amount received from the United States Government by this contracting company \$5,669.76, leaving a total loss of \$13,037.06 to this company.

In the first instance, these contractors would have been far better off if they had forfeited their contract and paid the amount of damages specified in the bond when they found these tons of stone there to be removed. But at the suggestion of some official of the Government, as appears from the report, they continued with the work, and they continued in a way that was satisfactory to the Government. They could have used powerful pile drivers with steel points and crushed a way through this stone, or they could have blasted some of the stone and then grappled the pieces up in a much quicker way, but in order that they might retain their reputation for doing good work, and work that would be satisfactory to the Government, they followed the instructions of the Government and used divers, uncovered these stones, and lifted them up one at a time. After the work had been done they took the matter up with the Government officials.

The Government had its local engineer, R. R. Raymond, major, Corps of Engineers, to go over every item carefully, and got his opinion as to how much money should be allowed to this company. You will find on page 19, of the report, that Maj. Raymond makes this statement:

15. The complicated nature of a problem of this kind makes it difficult to state exactly how much of the contractor's expense was due to any specified cause. All of his loss can not be ascribed to unforeseen conditions. Based upon the best data available, my opinion is that his claim is a just one, not for the full amount stated by the public accountant, but for a lesser amount estimated by me above as \$9,498.43. This sum is actually greater than the original contract price, due to the fact that the unforeseen difficulties encountered made a very difficult job of one that was expected to be very simple and easy.

Now, following that on page 8, we find that Edward Burr, colonel, Corps of Engineers, and Acting Chief of Engineers, submitted to the Secretary of War an estimate to have this amount allowed. It reads as follows:

A deficiency estimate for \$9,498.43 is submitted herewith in conformity with instructions of the Assistant Secretary of War dated December 22, 1913, with recommendation for submission to Congress.

This matter was taken up first with the local engineer, and then with the War Department. After full and careful consideration the War Department concluded that this company should be allowed this \$9,498.43, the exact amount for which the bill is drawn. They prepared an estimate to be put in the urgent deficiency bill, as I have stated. Afterwards, upon looking into the law, doubt arose as to the right to have the claim paid in that way, and it was suggested to these men that they come to Congress with a special bill.

This work was done with this extraordinary obstruction and condition, at an actual expense of \$18,706.82—and I will say in passing this means a great deal to this small company—and the company completed this work in a way satisfactory to the Government. The officials of the War Department upon inves-

tigation concluded that a part of that loss should be borne by this company; but the War Department further concluded that this Government should reimburse that company to the extent of \$9,498.43.

I submit, gentlemen, this is a meritorious claim, and I hope there will be no objection to its passage. It would be a great hardship for these men to lose all of this money. These men acted in good faith with the Government, knowing after they had worked about a week that they were losing money, but went on and completed the work, not in a way that would be less expensive to the company, but in a way directed by the Government; if under these circumstances this Government rejects this claim, it will be another incident that shows why it is that, when the Government calls for a contract, that bidders bid so much higher than is usual elsewhere. If the Government in cases like this, where it has actually induced the contractors to go on and complete the contract at a great loss, will not make good such loss, it will be another case that will encourage or, in fact, cause bidders for other contracts to make high bids to guard against such a case as this.

The CHAIRMAN. The question is, Is there objection to the present consideration of the bill?

Mr. CULLOP. Mr. Chairman, I sympathize fully with the contractors, and certainly commend the ability with which the gentleman from Delaware [Mr. Brockson] has presented this claim.

When this claim was up before, I objected to it then. I desire to call attention now to provision 8 of the contract under which they did this work.

Mr. BROCKSON. On what page?

Mr. CULLOP. On page 7. I read:

No claim whatever shall at any time be made upon the United States by the contractor for or on account of any extra work or material performed or furnished, or alleged to have been performed or furnished under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the contracting officer, the prices and quantities thereof having been first agreed upon by the contracting parties and approved by the Chief of Engineers.

Now, Mr. Chairman, there was an express provision in the contract which the contractors made, to the effect that they would not present any claim for extra work; and yet within a very short time after having deliberately entered into this contract, and made it in competition with other bidders, because they feel that they made it for too low a price, in the face of the express provision in the contract, they come and ask to be reimbursed. They are in this matter doing exactly what they agreed not to do.

Now, if this contract had been executed for a much less price than they calculated when they took the contract, and their profit had been enormously larger than they calculated it would be, does any man suppose that they would have returned to the Government the excess of profit which they approximated would be earned in that contract? Certainly not. It would have gone as a part of the profits of the business, and they would have considered it effrontery on the part of any individual who would assume that they made too great a profit on the contract and should for that reason remit a part of it back to the Government.

Mr. BROCKSON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Delaware?

Mr. CULLOP. Certainly.

Mr. BROCKSON. Has the gentleman noticed that the Government admits the condition under the water was entirely different from what the Government expected or from what anybody else had reason to contemplate?

Mr. CULLOP. I notice that they have said that, and that is not any credit to the Government officer who makes that statement. If he was superintending that work, letting the contract for the Government, I should think such a confession as he has made in that statement is a very embarrassing one, indeed. It was the duty of the contractor to examine and ascertain for himself what the conditions were, and it is our duty to suppose that he did that.

Now, if there was a court to which these claimants could go with their claim, in the face of the contract that they entered into under which this work was done, they would have no standing whatever. Now, they come to Congress and say: "We could not recover in a court if there were one to which we could go and sue, but still we ask the Congress of the United States, notwithstanding our mistake in judgment in entering into this contract, to reimburse us for a matter for which we have no legal claim and no standing whatever in any court to recover." So, Mr. Chairman, I object.



Mr. BROCKSON. Will not the gentleman reserve his objection for just a moment?

Mr. CULLOP. I will reserve it if the gentleman wants to ask me a question.

Mr. BROCKSON. I was interrupted by the rising of the committee temporarily. There was one more paragraph in the report containing another statement that I desired to read, and I call the gentleman's attention to it. That is the statement of the Secretary of War.

This matter started with Maj. Raymond, in the local district. This extra work which the Government found to be necessary was done by the direction of the Government. The matter was taken up with different officers and was submitted to the Secretary of War, and here is what the Secretary of War says:

Mr. CULLOP. I want to read paragraph 3 of what he says.

Mr. BROCKSON. In sections 3 and 4 he says:

3. The work was in no proper sense extra work ordered by the contracting officer, as the contract required the contractor to furnish all plant, appliances, material, and labor, and reinforce the jetty at the rate of \$9.87 per linear foot, and furnish and place filling stone at the rate of \$4 per ton. The contracting officer could not have relieved the contractor of his undertaking when it was found to be more difficult than expected, nor was there any way by which the contractor could be paid except as stipulated in the contract.

4. Since, however, the work was necessary, since it would have cost much more had actual conditions been known, and since, had the contractor defaulted, such portion as he would have left undone would have been completed at increased cost, and since the contractor persisted to the completion, with no hope of obtaining relief from the large loss except as an equitable claim the claim in the amount designated in the bill is regarded as meritorious and favorable action is recommended.

Very respectfully,

LINDLEY M. GARRISON,  
Secretary of War.

Mr. CULLOP. Yes; and after he had said that—

Mr. BROCKSON. Let me ask the gentleman one question right there. The gentleman admits that they lost this \$9,000, does he not?

Mr. CULLOP. I admit that they report that it cost them that much more to do the work than the contract price.

Mr. BROCKSON. No; it cost them over \$13,000 more.

Mr. CULLOP. The Secretary of War is mistaken in his conclusion. They gave a bond for the faithful performance of this work; and if the Government had gone on and done the work after they had abandoned their contract, the Government would have had a right to do it and be reimbursed, and there was no escape from it.

Mr. BROCKSON. If the gentleman will permit me to interrupt him right there, the Secretary states that it would have been an additional cost to the Government if they had defaulted.

Mr. CULLOP. In that the Secretary is mistaken, because here is the bond. If the bond was responsible, legally and financially, the Government could have gone on and done the work and collected on the bond, and there would have been no loss whatever to the Government; but the Secretary of War neglects to incorporate that proposition in his statement, and that belongs to it.

Mr. BROCKSON. It is hardly probable that the bond was more than \$10,000, or double the amount of the contract, and the actual cost of this work was over \$13,000.

Mr. CULLOP. There was a provision in the bond for the faithful completion of the contract, and that was the binding clause of it, and if the Government officials had done their duty there was no way by which the Government could sustain one cent of loss if they had thrown up their contract unless the bond was financially irresponsible.

Again, I may call the attention of the committee to paragraph 8 of the contract under which this work was done, which provides that if changes are made the same must be reduced to writing as a part of the contract with specifications, costs, and so on. They could, when they found they had been mistaken, have then secured an alteration of the contract, but neglected to do so. That was the time to have secured relief, and they failed to take advantage of their opportunity. I can see no reason why we should allow it now. There seems to me no excuse for such a procedure under the existing circumstances. So, Mr. Chairman, I object.

The CHAIRMAN. Objection is made by the gentleman from Indiana, and the Clerk will report the next bill.

#### COLONIAL REALTY CO.

The next business in order on the Private Calendar was the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Colonial Realty Co., of the city

of Philadelphia, State of Pennsylvania, the sum of \$409.03, being the amount of excess corporation tax paid by said company.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, I should like to have the chairman of the committee explain what the liability in this bill is.

Mr. POUL. I will ask the gentleman from Pennsylvania [Mr. EDMONDS], who reported the bill, to make a statement concerning it.

Mr. EDMONDS. Mr. Chairman, this bill is for a refund of \$409.03 of a special excise tax paid by the Colonial Realty Co. in excess of what they should have paid. It appears that there was a doubt about their continuing in business, and they paid the full sum, with the agreement that the difference was to be returned to them. They asked the collector of internal revenue in Philadelphia to make an investigation and find out how much they were to be paid back, and he started the investigation, but did not finish it until after it was too late for the Government to return the money. Had this investigation been finished and the sum determined on in time, the Government would have returned the money out of current funds; but owing to the fact that the investigation was not finished until after the time limit they had to apply to Congress for the money.

Mr. CULLOP. Why did not they go to the Court of Claims in this matter?

Mr. EDMONDS. I really can not answer the gentleman, because I do not know.

Mr. CULLOP. That would have been the proper place to go.

Mr. MANN. If the gentleman will pardon me, the explanation given why they did not go to the Court of Claims is because they asked the auditors of the department to ascertain the amount. Those auditors went to work in July of one year, and then suspended operations and did not finish until February of the next year, just after it was too late to make the refund. There was no need to go to the Court of Claims if the auditors had reported in time.

Mr. CULLOP. I see in the report this statement:

The papers and facts in this case show that the Colonial Realty Co. was not remiss in filing their claim for a refund as the correspondence with the Treasury Department would indicate, and that therefore the question of laches can not be raised by the department as in most of the claims for refund that are presented to the committee for consideration.

Who, if anyone, is to blame for their not going to the Court of Claims in order to have the facts found in the case, so that it could be certified to Congress?

Mr. EDMONDS. The gentleman from Indiana must remember that there is no dispute as to the amount. The Court of Claims could only find the amount due. The Treasurer ordered a refund to these people, but the auditor refused to pay it, because the time limit had elapsed.

Mr. CULLOP. How did the mistake occur in which they paid too much tax?

Mr. EDMONDS. They were not sure as to how long a time they expected to stay in business. The building was torn down, and they retired from business.

Mr. CULLOP. They paid the tax and then voluntarily retired from business before the time expired which the tax covered. That was voluntary on their part.

Mr. EDMONDS. No; it was an agreement between them and the collector.

Mr. CULLOP. What right had the collector to make any contract or agreement of that kind? He is the man to look to for reimbursement. If he made a contract of that kind he ought to make it good. It was not within the discharge of his duties to make a contract in that way in reference to the collection of revenue.

Mr. EDMONDS. It was not a contract, it was simply an agreement.

Mr. CULLOP. I think, Mr. Chairman, that the claimant ought to go to him and make him reimburse, and I object.

GEORGE H. GRACE.

The next business in order on the Private Calendar was the bill (H. R. 1352) for the relief of George H. Grace.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of George H. Grace, postmaster at Lead, S. Dak., in the sum of \$2,582.95, paid to the United States on account of money-order funds embezzled by Raymond L. Shea, late money-order clerk in the post office at Lead, S. Dak.; and the sum of \$2,582.95 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

The following committee amendments were read:

Amend by striking out the figure "\$2,582.95," in the fifth and ninth lines, and inserting in lieu thereof the figures "\$2,718.95."

The CHAIRMAN. Is there objection?



Mr. STAFFORD. Reserving the right to object, Mr. Chairman, I notice from the letter of the present Postmaster General that he does not consider this an equitable claim. I have read his letter, but I have not read the whole of the report, which consists of many pages. I think some explanation should be given to overcome the presumption raised by the criticism of the Postmaster General that this is not a meritorious claim.

Mr. DILLON. Mr. Chairman, I will say to the gentleman that this claim may present an innovation and a unique question. Raymond L. Shea was appointed a clerk at the post office in Lead City, S. Dak. The postmaster at that time was named Walter McKay. Subsequent to that time the claimant, George H. Grace, became the postmaster. On February 5, 1912, Shea became a defaulter. He was an embezzler, was arrested, convicted, and sent to the penitentiary. A demand was made on Walter McKay for the amount that was embezzled during his term of office, and likewise a demand was made on George H. Grace for the default within his term of office. They paid the sums found due on these defaults.

The postmaster, George H. Grace, did not appoint Raymond L. Shea. The appointment was made under the civil service, and the United States Government, through the department required a bond to be given by Raymond L. Shea. He gave the bond. After the giving of the bond the inspectors investigated the office time and time again. They failed to discover any default. Raymond L. Shea was 32 years of age. Prior to his arrest he was considered the most model young man in the city of Lead. He had the confidence of the entire community. He was prominent in church and Sunday school circles, and had the confidence of the postmaster, and was regarded as an exemplary young man, possessing the confidence of everybody.

Mr. STAFFORD. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. STAFFORD. In opposition to the position taken by the gentleman from South Dakota, that the inspectors failed to discover any irregularity, I wish to call attention to one statement made by the Postmaster General, which is an excerpt from a report of the inspector:

We found the money-order records in a deplorable condition—statements delayed and not rendered consecutively, press copies illegible, erasures in press-copied statements, reports apparently deliberately falsified, especially the credit items. New York drafts issued and not charged, press copy of statement for February 28, 1911, omitted, applications faulty or missing, etc.

I would like to have some explanation as to how the gentleman can support his statement.

Mr. DILLON. I will say to the gentleman that that was the final report made by the inspectors at the time of the arrest. Prior to this report and prior to the arrest and conviction of the clerk, various examinations were made, and they failed to discover any irregularities in the office. There was a change in the system some time in 1911 in reference to the keeping of the postal funds. After that there was no default in the postal fund department. This postmaster relied upon his integrity and his honesty and had no knowledge of any defalcation.

The question is whether the Government shall lose the money or whether the postmaster shall lose it under these circumstances. The committee, after going over the matter thoroughly, concluded that under such circumstances, when the postmaster did not appoint the clerk, when he could not remove him, when he could not cancel his appointment, when he was put in by the Government and was under bond to the Government, which bond was wholly insufficient as a protection, that he ought not to stand the loss under such circumstances.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Still reserving the right to object, Mr. Chairman, the only question in my mind about this case is whether the postmaster was diligent in the performance of his work. The Postmaster General seems to think that he did not exercise that care that a postmaster should in scrutinizing the work of his subordinate.

Mr. DILLON. Will the gentleman yield at that point?

Mr. STAFFORD. Yes.

Mr. DILLON. Upon that point I would say that the inspector who had gone there on numerous occasions failed to discover any default. Mr. Grace trusted the clerk; he relied upon the inspector's reports; he was not in any manner negligent, and certainly he was not more negligent than the inspector of the Government.

Mr. BURKE of South Dakota. Mr. Chairman, my colleague has stated clearly what fully explains what the gentleman from Wisconsin mentions, that if this clerk deceived the postmaster he also deceived several inspectors, and it was after the defalcation and embezzlement had been discovered that the inspectors made an investigation and the report that the Postmaster General refers to.

Mr. STAFFORD. But at that time, according to that report, the books were in a very confused condition, which the postmaster or anybody could have detected, if there was irregularity.

Mr. BURKE of South Dakota. If that is true, as my colleague has so clearly stated, the regular inspectors did not discover it.

Mr. STAFFORD. But the inspectors made that report.

Mr. BURKE of South Dakota. But the gentleman does not distinguish between the report that was made after the shortage was discovered and the previous reports. For years before there had been frequent inspections of the office at different intervals and everything had been found to be satisfactory.

Mr. STAFFORD. But the gentleman from South Dakota does not distinguish between the condition where a clerk is performing his work satisfactorily, and where the inspector makes an inspection and finds it entirely satisfactory, and the case where subsequently thereto, after a lapse of a long time, this clerk becomes a defaulter, and the books show by examination that he is a defaulter, and yet the postmaster fails to discover it by reason of his very confidence in the clerk.

Mr. BURKE of South Dakota. Mr. Chairman, I will say this to the gentleman, that in this particular case, and it is a very unusual one, the young man had been in the office for many years, a man of exceptionally high standing among the people who knew him. He had enjoyed the confidence of the postmaster as well as that of the former postmaster, and probably of the inspectors who knew of his long service in the office, and after it was discovered that he had embezzled money, special inspectors made an examination that went carefully over the books and records, and they then discovered the things to which the gentleman from Wisconsin refers. He had covered up his actions for a long period, and when it became known that he was a defaulter it was a surprise to everyone, so much so that for a long time there was a strong impression that the young man was innocent. The postmaster ought not, I submit, be held responsible under the circumstances.

Mr. STAFFORD. Mr. Chairman, I do not seek to charge up against a postmaster the malfeasance of a clerk, when the postmaster is not accountable for the clerk's defaults.

Mr. BURKE of South Dakota. Mr. Chairman, I wish the gentleman would yield a little further. I want to emphasize what my colleague suggested, that the department in this case required a bond of only \$1,000. With the amount of money-order business that was transacted in this office, which was large, this clerk should have been required to give a much larger bond. The postmaster had no control over the matter whatever. The man was in the office when he went there, appointed through the civil service, and had given the bond required by the Post Office Department.

Mr. STAFFORD. Mr. Chairman, I think it is a case of misplaced confidence on the part of the postmaster in the clerk, who had been long in good standing, and I will give the benefit of the doubt to the postmaster and withdraw the objection.

Mr. GORDON. Mr. Chairman, I object.

Mr. FOSTER. Mr. Chairman, I also object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. POULSEN. Mr. Chairman, I move that the committee do now rise and report the bills that have been laid aside with a favorable recommendation with the recommendation that they do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar, some of which had been laid aside with a favorable recommendation, some with amendment, and some without amendment, and had directed him to report the same back to the House with the recommendation that the amendments be agreed to and that the bills do pass.

#### FEDERAL TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I desire to present on behalf of the managers on the part of the House a conference report and statement on the bill (H. R. 15613), to establish an interstate trade commission, for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

Conference report on the bill (H. R. 15613) to create an interstate trade commission, to define its powers, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. ADAMSON. Mr. Speaker, I would like to ask if it is necessary to obtain consent that the report and statement shall be printed in addition to the printing in the Record?

The SPEAKER. No; the Chair thinks not.

Mr. ADAMSON. I would like to have it printed as a House document.

Mr. MANN. It is printed as a report.

Mr. ADAMSON. As a matter of course?

The SPEAKER. Yes; it is printed in pamphlet form.

#### RETURN OF SENATE BILL.

The Speaker laid before the House the following Senate resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### BILLS PASSED.

The SPEAKER. The Clerk will report the first of the bills reported from the Committee of the Whole House.

The Clerk read as follows:

A bill (S. 1369) for the relief of the Snare & Triest Co.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1270) for the relief of Edward William Bailey.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. I understand that H. R. 5832, of similar title, is to be laid on the table.

The SPEAKER. Without objection, H. R. 5832, of similar title, will be laid on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 7553) for the relief of the estate of Moses M. Bane.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1171) for the relief of Samuel Henson.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 9092) for the relief of Ellis Garton, administrator of the estate of H. T. Garton, deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 4630) for the relief of Fred A. Emerson.

The amendment was read.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15637) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. OVERMAN, Mr. CHILTON, Mr. CLARK of Wyoming, and Mr. NELSON as the conferees on the part of the Senate.

#### ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned to meet to-morrow, Saturday, September 5, 1914, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of State requesting that Congress make an emergency appropriation of \$1,000,000 for the use of the Diplomatic and Consular Service (H. Doc. No. 1158) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 307) authorizing the President to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915, reported the same without amendment, accompanied by a report (No. 1137), which said joint resolution and report were referred to the House Calendar.

Mr. VAUGHAN, from the Committee on Foreign Affairs, to which was referred the bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, reported the same without amendment, accompanied by a report (No. 1140), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 18654) providing for the appointment of secretaries in the Diplomatic Service and appointments in the Consular Service, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 18572) granting permission to Mrs. R. S. Abernethy, of Lincoln, N. C., to accept the decoration of the bust of Bolivar, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1304) authorizing the Department of State to deliver to Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johannson, United States Revenue-Cutter Service, watches tendered to them by the Canadian Government, reported the same without amendment, accompanied by a report (No. 1139), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SUMNERS: A bill (H. R. 18661) authorizing and directing the Secretary of Agriculture to establish a farm-produce exchange, and for other purposes; to the Committee on Agriculture.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 18662) changing the boundaries of the Federal districts of Oklahoma; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 18663) to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exhibition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Arts and Expositions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18664) authorizing the Secretary of the Treasury to purchase or contract for the building of ships for carrying freight; to the Committee on the Merchant Marine and Fisheries.

By Mr. BAILEY: A bill (H. R. 18665) to provide a supertax on incomes to cover deficit in customs receipts due to European



war, and for other purposes; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 18666) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 18667) granting a pension to Hannah Stoudnaur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18668) granting a pension to Carrie Russell; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 18669) granting an increase of pension to William Burnett; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18670) for the relief of Michael Houlihan; to the Committee on Military Affairs.

Also, a bill (H. R. 18671) granting an honorable discharge to James Crowley, late of the United States Navy; to the Committee on Naval Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 18672) granting an increase of pension to Elizabeth W. Glidden; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 18673) granting an increase of pension to Zuleima B. Jackson; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18674) granting a pension to Sarah Foster; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18675) granting a pension to Annie Hoover; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of R. C. Frampton, of Pittsburgh, Pa., protesting against the passage of House bill 17365, relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. BORCHERS: Petitions of sundry citizens of Sullivan, Ill., relative to due credit to Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

Also, petition of 40 citizens of Dewey, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Farmers' Cooperative Association of South Dakota, favoring the passage of House joint resolution 311, "Steadying the world's price of staples"; to the Committee on Foreign Affairs.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Appomattox County, Va., favoring enactment of personal rural credit bill; to the Committee on Banking and Currency.

By Mr. GREEN of Iowa: Petition of the Greater Davenport Committee, asking for a discontinuance of the present session of Congress; to the Committee on the Judiciary.

By Mr. HAMILL: Petition of the New Jersey State Federation of Labor, protesting against national prohibition; to the Committee on Rules.

Also, petition of the New Jersey State Federation of Labor, relative to Government contract for printing of corner-card envelopes; to the Committee on Printing.

By Mr. KENNEDY of Connecticut: Memorial of the Hartford (Conn.) Central Labor Union, favoring an investigation by the Department of Justice into the high cost of living; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of the Cigar Manufacturers' Association of New Haven, Conn., protesting against increase of tax on cigars; to the Committee on Ways and Means.

Also, petition of the Hartford Central Labor Union, urging relief from high cost of living; to the Committee on the Judiciary.

By Mr. WATSON: Petitions of sundry citizens of Dinwiddie County, Va., favoring investigation of bill relating to personal rural credit; to the Committee on Banking and Currency.

By Mr. WILLIS: Petition of P. C. Ries and 250 other citizens of Hardin County, Ohio, in favor of House joint resolution 282, relative to polar explorations; to the Committee on Naval Affairs.

#### SENATE.

SATURDAY, September 5, 1914.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, for those influences that draw our hearts to Thee. We thank Thee for those great principles which Thou hast implanted in the thought of mankind—for the consciousness of a Supreme Being, for that feeling of dependence upon this higher power, and for the longing of the soul after God. May we cherish these instincts of our nature and not pervert their divine purpose. May we be wise in our generation and seek our peace and safety and prosperity in harmony with Thy righteous laws. May our deliberations this day reflect the honor of Thy name to the credit of Thy servants and of the great country which they represent. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 25, 1914, when, on request of Mr. MARTINE of New Jersey and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### THE NAUTICAL ALMANAC.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to a resolution of July 17, 1914, information in regard to the Nautical Almanac. The communication is in response to a resolution introduced by the Senator from Washington. The Chair would inquire what the Senator desires to have done with the communication?

Mr. JONES. I do not know what is the rule in reference to printing such documents. I think probably it would be well to send it to the Committee on Appropriations.

Mr. SMOOT. Without printing?

Mr. JONES. Yes; without printing. It may not be necessary to print it.

The VICE PRESIDENT. The communication and accompanying papers will go to the Committee on Appropriations.

#### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, so that we may have morning business attended to and not be broken into every half hour when some one is making a speech, I suggest the absence of a quorum, and I shall state that when we do get a quorum I shall object to any further morning business being received after the morning hour has closed during the balance of the day.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Newlands	Smoot
Brady	Gallinger	Norris	Stone
Bryan	Jones	Perkins	Swanson
Burton	Kenyon	Pittman	Thomas
Chamberlain	Kern	Poindestor	Thompson
Chilton	Lea, Tenn.	Ransdell	Thornton
Clapp	McCumber	Sheppard	Townsend
Cole	Martin, Va.	Shields	Vardaman
Cummins	Martine, N. J.	Shively	Walsh
Dillingham	Myers	Simmons	White
Fall	Nelson	Smith, Ga.	Williams

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is still detained on account of illness in his family.

Mr. GALLINGER. I wish to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] and also the unavoidable absence of the junior Senator from West Virginia [Mr. GOFF], who is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. STONE. I desire to state that my colleague [Mr. REED] was called from the Senate yesterday and will be absent to-day. It is on a matter of importance.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. BANKHEAD, Mr. HOLLIS, and Mr. LANE entered the Chamber and answered to their names.